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THE

RIGHTS

OF THE

ENGLISH COLONIES

ESTABLISHED IN

AMERICA

STATED AND DEFENDED;

THEIR

MERITS AND IMPORTANCE

TO

GREAT BRITAIN

DISPLAYED;

With ILLUSTRATION of the BENEFITS of their UNION, and of the Mischiefs and Dangers of their continued DISSENTION.

There are in all gov[illegible]ents many things done by and with the consent of the people; nay all government so much depends upon the consent of the people, that without their consent and submission it must be dissolved.

That prince who thinks his power so great that his subjects have nothing to give him, will be very unhappy if he hath ever need of their hands, or their hearts.

Lord CLARENDONS *Survey of the* Leviathan.

—— peragit tranquilla potestas
Quod violenta nequit, mandataque fortius urget
Imperiosus amor.

CLAUD.

Liberty should reach every individual of a people, as they all share one common nature; if it only spreads among particular branches there had better be none at all, since such a liberty only aggravates the misfortune of those who are deprived of it, by seting before them a disagreeable subject of comparison.

SPECTATOR.

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MDCCLXXIV.

THE RIGHTS OF THE ENGLISH COLONIES ESTABLISHED IN AMERICA STATED AND DEFENDED, &c.

SECTION I.

UPON the moſt careful reſearches and conſideration it appears to the author that the lands in *America*, acquired, planted, and ſettled by the *Engliſh* under the authority of their princes, were thereby, with their meritorious proceedings, firmly annexed to the crown and kingdom of *England*, being a moſt beneficial augment of that kingdom, and great ornament of its imperial crown, and acceſſorily united to both; and all the adventurers, ſettlers, and inhabitants there, and their poſterity, well entitled to the *Engliſh* right, divine providence, *quæ in ſui diſpoſitione non fallitur*, having by this acceſſion of dominion, with the diſpenſation of other favours, raiſed the nobleſt naval empire, capable of making the beſt defence againſt foreign foes, and of protecting all thoſe branches of commerce that are the great ſources of naval ſtrength, uſeful labour, and general affluence, which in point of laſting public benefit ſo far excel other modes of acquiring and poſſeſſing, and whoſe proſperity is neceſſary for the ſafety and welfare of all its component parts.——That by reaſon of their inſular or other advantageous ſituation, and the number of the inhabitants, with their ſpirit, the fruit of their liberty, their amicable conjunction, wiſdom, and public vertue might, thro' the favour of the ſovereign diſpoſer of all things, who approves public obſervance of the divine principle of juſtice, the ſole foundation of ſolid union, render this empire ever glorious and invincible——That the true permanent intereſt of the king, king-

dom, and colonies is inſeparable, and their cordial union, ſo grievouſly wounded of late, the proper object of all ſound policy, altho' their local ſeparation, ſo beneficial in point of trade and navigation, may induce the unwary to think otherwiſe, and injurious improvident meaſures, may unhappily have cauſed, or encreaſe, their diſſention. It is obſerved by the *Gallic Polybius*, that "it is a true ſign of the deſtruc- "tion of a country when thoſe who ought to hold together ſeparate, "and abandon each other."——That *divide et impera* being a maxim proper for the uſe of our enemies, we cannot take too much care to avoid its adoption.

Human affairs are ſo mutable that it is impoſſible *Europe* ſhould always continue in the ſame ſtate, and the recent war in a free kingdom, to its great grievance introduced by *diſcord* and violence, with all the ſubſequent injurious proceedings of mighty princes, which have ſpread the miſeries or terrour of arms ſo far and wide, and, with the vaſt encreaſe of oppreſſive ſtanding armies, brought *Europe* into its preſent ſuffering or alarming condition, and the general ſtate of our own affairs in *America*, *Aſia* and *Europe*, with the utter uncertainty what enemies may riſe up againſt us, or what miſchiefs our continued diſſentions may cauſe, unite in calling upon us to forbear taking advice of our paſſions, to exerciſe our wiſdom and provident foreſight, and to promote and ſecure that ſtrength which the *union* of all parts of the empire can only give.

Omnia ſunt hominum tenui pendentia filo,
Et ſubito caſu quæ valuere ruunt *.

This was philoſophically as well as elegantly ſaid by the poet; and it is certain *there is nothing ſo firm and ſtable that diviſion will not deſtroy*; yet ſo numerous are thoſe princes and ſtates who never became ſenſible of this truth in ſeaſon, that to relate their ſtory would be to write a great part of the hiſtory of the world, ſhewing how nation after nation, or their rulers, came to utter ruin by their incautious purſuit of diſcordant meaſures, regardleſs of all example, and the advice of thoſe ſages whoſe wiſdom is founded in nature, reaſon and experience. "Wiſe "men," ſaith Sir *Walter Ralegh*, in his arts of empire, "have long "obſerved, that whoſo will know what ſhall be muſt conſider what is

* *Dies, hora, momentum, evertendis dominationibus ſufficit quæ adamantinis credebantur radicibus eſſe fundatæ.* CASAUBON.

paſt,

" paſt, for all worldly things hold the ſame courſe they had at firſt; " the reaſon is, that as long as men are poſſeſſed with the ſame paſſions " with former ages, conſequently, of theſe doings the ſame effects " enſue." The author of the *Royal Politician* makes the following remark. " *Plato* uſed to ſay nothing was ſo pernicious to common- " wealths as *diviſion*": then adds, " Concord is the ornament of a city, " its walls and guard; even malice itſelf cannot long ſtand without it. " Domeſtic diſſentions are ſo many victories for the enemy, as thoſe of " the *Britains*, *Galgacus* ſaid, were to the *Romans*." *Polybius*, whoſe counſel would have ſaved his country, if followed, and who comforted her in her diſtreſs, ſaith, *duo ſunt quibus omnis reſpublica ſervatur, in hoſtes fortitudo, et domi concordia.*

Hiſtory being the chief ſource of civil wiſdom, and the *Romans* having been the moſt illuſtrious free people, a due conſideration of their riſe, grandeur, declenſion, and ruin of their common-weal, with the introduction of imperial power, would be profitable to other free ſtates. That excellent hiſtorian *Dyoniſius* of *Halicarnaſſus** informs us, that the harmony which owed its birth to the inſtitutions of *Romulus* was ſo firmly eſtabliſhed among the *Romans*, " that altho', as it often happens " in all cities, both great and ſmall, many great political conteſts have " ariſen between the people, and their magiſtrates, they never within " the courſe of ſix hundred and twenty years proceeded to bloodſhed, " and mutual ſlaughter; but by perſuading and informing one another, " by ſubmiting in ſome things, and receiving a voluntary ſubmiſſion in " others, they put an end to their diſputes in ſuch a manner as became " fellow citizens: but from the time that *Tiberius Gracchus* while *tri-* " *bune* of the people diſſolved the harmony of the government they had " been perpetually deſtroying and baniſhing one another, and refrain- " ing from no exceſs to gain the ſuperiority."——And within the ſpace of eighty-five years from this diſſolution the free ſtate of *Rome*, the miſtreſs of the world, was by diſſention, corruption of the ſenate, the ſoldiery, and the people in their elections, faction, the luſt of domi- nion, guile, and the power of the ſword, entirely ſubverted, and the *Romans* ſubjected to the abſolute rule of *Julius Cæſar*. Year of Rome 705.

* This author came into *Italy* immediately after *Auguſtus* had put an end to the civil war. He ſpent 22 years at *Rome* in learning their language, acquainting himſelf with their writings, and preparing materials for his hiſtory.

SECTION

SECT. II.

THE great diſſention, combinations, wars, cruelties, and revolutions ſubſequent to *Cæſars* death having in concluſion given the ſole command of the *Roman* empire to *Octavius*, his nephew and adopted ſon, he reſolved to take counſel reſpecting his laying down arms, and reſigning his power to the *ſenate* and people; whereupon he conſidered the matter at large with *Agrippa* and *Mæcenas*, to whom he
Year of Rome 725. uſually communicated all his private affairs. *Agrippa*, to whom *Auguſtus* owed the empire of the world, began his advice thus. "Wonder not, *Cæſar*, that I ſhould diſſuade you from monarchy, after enjoying much good from your poſſeſſion of it: if it would likewiſe be advantageous to you I ſhould earneſtly contend for it; but as the condition of its poſſeſſors and their friends differ ſo widely, theſe reaping the fruit of their inclinations without envy and danger, while thoſe are ſubjected to both, I thought it behoved me not to conſult my own advantage, as I am not wont to do in other affairs, but your and the public good. Let us now placidly view its appendages, and incline to the guidance of reaſon; for no man will ſay that we ought by all means to chooſe it, altho' inexpedient; for ſo we ſhall ſeem to have been rendered worſe by good fortune, and to have been infatuated by ſucceſs; or that from the begining having deſired it, the name of your father, with piety towards him, and the right of the people and *ſenate*, were uſed as a pretence, not to free them from their enemies, but to ſubject them to ourſelves, each of which is blameable; for who would not be moved with indignation obſerving our profeſſions to differ from our deſigns? How ſhould they not rather hate us now than if at firſt we had diſcovered our deſire, and had openly graſped at the monarchy? For violent attempts, altho' they appear to be the fruit of inſatiate deſire, are in ſome ſort eſteemed human failings, becauſe whoever excelleth in any thing thinks himſelf worthy of more than his inferiours, and aſcribes his notable atchievements to the power of fortune, but a failure in his attempts to the influence of the deity; whereas he who doth the like inſidiouſly and maliciouſly is forthwith eſteemed to be fraudulent, perverſe, and of an evil diſpoſition (which, I well know, you could not bear any ſhould ſay or think of you, even tho' you ſhould

" obtain

" obtain the empire of the world by ſuch means) then having accom-
" pliſhed his purpoſe he is accounted to have fulfilled his deſires unjuſt-
" ly, or failing therein to have ſuffer'd deſervedly." And afterwards, cenſuring thoſe who make an ill uſe of good fortune, he ſaith, " they
" who are not of a candid mind, nor uſe the good things offered to them
" with moderation, how is it to be expected they will govern others
" well, or rightly bear calamities." Then exhorting to a careful obſervance of the dictates of reaſon, he ſaith, " I will ſpeak freely, being
" unable to ſpeak otherwiſe, and well knowing it is not agreeable to
" you to hear lies ſeaſoned with flattery. *Now equality of right is de-*
" *lightful in name, and really moſt juſt, for they who have received the*
" *ſame nature, are of the ſame people, educated in the ſame manners, inſti-*
" *tuted in the ſame laws, and yield a common uſe of bodies and ſouls to their*
" *country, is it not juſt they ſhould partake of all other things? Is it not*
" *beſt that none ſhould be preferred but for vertue; for they who are of the*
" *ſame condition by birth vehemently deſire equality, which having obtained*
" *they rejoice, but grieve when deprived of it: and human race being deſ-*
" *cended from the gods, and to return to them, look upwards, and will nei-*
" *ther be governed at all times by the ſame perſon, nor will bear to partake*
" *of labours, dangers, and expenſes, and yet be deprived of the participa-*
" *tion of better things; and if compel'd to ſuſtain ſuch uſage, hate him who*
" *is the cauſe of it, and, when opportunity offers, will be revenged of the*
" *perſon hated.*" Afterwards this great man ſaith, " *no one believes that*
" *they who can uſe force, if they perform the office of judges, will act up-*
" *rightly; but this is the opinion of all, that they, inſtead of the truth,*
" *diſplaying, thro' ſhame, a form, or ſhadowy draught of the common-weal,*
" *under the name of legitimate judgment, accompliſh their own deſire.*"
When coming towards the concluſion of his ſpeech, which is loſt, in anſwer to the ſuppoſed objection, that in conſequence of reſtoring the power of the people ſome would excite ſeditions, he ſaith, " much
" leſs would they bear the government of one man; and therefore, if
" we preconſider the miſchiefs that have attended it, it would be moſt
" abſurd to fear rather the diſſention incident to democracy than the
" tyrannies that ſpring from monarchy, the evils whereof I have not
" undertaken to deſcribe; for my intention was not to inveigh againſt
" that which is ſo eaſy to be accuſed, but to ſhew the nature of it to
" be ſuch that good men"**** Here *Agrippas* advice being broken off *Fabricius* remarks as follows. " He inſiſts that the nature of ſingle

" government is ſuch, that neither good nor bad men bear it patiently" : but *Frienſhemius* underſtands the words otherwiſe, ſupplying what is wanting to *Agrippas* ſpeech thus. " This I have endeavour'd to ſhew, " that the nature of princely rule is ſuch, that tho' it lighteth on good " men it ſuffereth them not long to continue ſo, but ſoon either by li- " centiouſneſs changeth them, or oppreſſeth them with troubles, cares, " and dangers : therefore, *Cæſar*, avoid ſo doubtful and horrible a dan- " ger while you may. This I *M. Agrippa* perſuade, who you being " prince have obtained, and ſtill retain whatever is next to the ſupreme " ſtation ; in a free common-wealth, among ſo many illuſtrious men, " adorned with the moſt antient glory of their anceſtors, I ſhall with " difficulty preſerve equality ; but I ſhould be unworthy theſe benefits " were I not ready to part with them for the welfare and tranquility of " him from whom I have received them."

Fabricius laments the loſs of the begining of *Mæcenas* advice, being fraught with wiſe admonitions, and which *Auguſtus* happily followed for the more part, adding that the illuſtrious *J. H. Bæcler* ſcruples not to ſay it may rightly be called a compendium of monarchic policy. *Mæcenas* earneſtly adviſed *Auguſtus* to reduce his country into another ſtate, with harmony and good order, becauſe the ſtate wherein it is lawful for ſome to do and ſay what they will, if conſider'd in a wiſe man is found to be the cauſe of public felicity ; but if in a fool of common miſchief ; wherefore if any concede that power to an unreaſonable man he giveth a ſword to a child or madman ; but when given to the wiſe it cauſeth ſafety to their adverſaries as well as all others ; and that reſtraining the boldneſs of the common people he ſhould aſſume to himſelf and other the beſt men the adminiſtration of the common-wealth. And afterwards he ſaith, " *the more excellent men you ſhall have with you* " *the more eaſily will you adminiſter all things as is fiting, and will induce* " *your ſubjects to believe that you do not eſteem them as ſervants, or of a* " *worſe condition than ourſelves, but that you will communicate to them* " *not only the other good things we enjoy, but the government alſo, which* " *they will then regard as their own. And ſo far am I from thinking I* " *ſhould retract what I have now ſaid, as not right, that I rather think* " *the citizenſhip ought to be given to them all, that partaking equally of* " *this alſo they may be faithful allies, as inhabiting one city with us, eſ-* " *teeming this their true city, but their own fields and villages.*"——After the intervention of various matters, exhorting the emperour to ſet the beſt

beſt example, he ſaith, " thoſe things which you wou'd have your chief " officers think and do, ſay and do yourſelf; thus you will better teach " them their duty, than enforce their obedience by terrour of laws, the " one exciting emulation, the other fear; for every man rather imitates " better things when he ſees them exiſting in fact, than avoideth worſe " ſeeing them prohibited by words: and do you every thing accurately, " never pardoning yourſelf, well knowing that all men will immedi- " ately learn whatever you ſay, and whatever you do, for you will live " as in a theatre of the whole world, neither will it be poſſible for " you to conceal the leaſt offenſe, for you will never act alone, but un- " der the obſervation of many, for all men curiouſly examine the con- " duct of their rulers, and if they once find you do thoſe things which " you interdict to others, they will not fear your threats, but imitate " your actions"——When recommending to the emperour his avoidance of the external monuments of glory, among other things, he ſaith, " Suffer not ſtatues of gold or ſilver to be erected to you, for they not " only require great expenſe, but are ſubject to inſidious attempts, and " of ſhort continuance. By beneficence erect to yourſelf other ſtatues " in the very minds of men, not to be corrupted or deſtroyed. Suffer " not any temple to be erected to you, for in things of this kind much " money is vainly expended, which were better beſtowed on things " neceſſary, becauſe affluence is acquired not ſo much by large receipts " as by frugal expenſes; and things of this kind do by no means en- " creaſe glory; for vertue indeed equaleth many to the gods, but no " man ever became a god by mortal ſuffrage. Therefore if you be " good, and govern rightly, the whole earth will be your temple, and " all cities; all men ſtatues, in whoſe minds you will ever be fixt with " glory; but they who hold ſupreme government unworthily are ſo far " from being adorned by thoſe ornaments, tho' placed in every city, " that they rather expoſe them to reprehenſion, being certain trophies " of their iniquity, and monuments of their injuſtice, which the longer " they ſhall continue the longer their infamy endureth." Afterwards he ſaith, " It behoves you to be moſt peaceable, and content with your " own poſſeſſions; but to be well prepared for war, ſo that no one may " be either inclined or attempt to injure you, but if he doth he may be " eaſily and preſently puniſhed." In the concluſion of his advice he ſaith, " Theſe and ſuch like actions I wou'd recommend to your prac- " tice; for I omit many things, it being impoſſible to mention them

" all

" all together. One thing I ſhall mention, which is the chief of all " that hath been or remains to be ſaid; for if yourſelf ſhall ſponta- " neouſly act in the ſame manner as you would another ſhould under " whoſe government you were you will not offend in any matter, but " will conduct yourſelf rightly in all things, and by this means will " paſs your life pleaſantly without danger; for how ſhould not all men " eſteem and love you as a father, as a preſerver, when they ſee you mo- " deſt, of unſpotted life, and well diſpoſed for either peace or war, " neither contemning nor injuring any, acting under an equal right " with them, neither enriching yourſelf, nor impoveriſhing them by " exactions; not devoting yourſelf to luxury while you are making " others wretched; not giving way to your own paſſions whilſt you are " correcting others; but in all reſpects living in a ſimilar manner with " them; ſo that having this bulwark of defence, the injuring none, " have confidence; and, believe me when I ſay that you will neither " be hated nor conſpired againſt, which being the caſe you will conſe- " quently paſs your life pleaſantly; for what more delightful, what " more happy, than, together with a vertuous enjoyment of all human " comforts, to be able alſo to impart them to others?"

Mæcenas advice determined *Auguſtus* to retain the ſovereign power, regardleſs of his public profeſſions of making the war whereby he gained it for the ſake of the common-wealth, in caſe he had any real doubt herein, being capable of ſo great duplicity, that when he requeſted the *ſenate* to diſcharge him from the care of public affairs they underſtood him very well, and gave their refuſal, which was the real object of his deſire. While aſpiring to the ſovereignty he manifeſted a reſtleſs, factious, enterpriſing ſpirit, with diſſimulation, ready to make every ſacrifice to his ambition, without ſparing even *Cicero* his faithful friend, whom he devoted to the malice of *Anthony*, in return for the like conceſſion. During the *triumvirate* formed by them and *Lepidus*, he was ſo ſevere, that many worthy perſons became the victims of his cruelty. When poſſeſſed of the ſovereign power his ſevere vindictive temper was gradually mollified and changed to a milder and much better diſpoſition, differing in this reſpect from the fell tyrants his ſucceſſors, whoſe ſubtil or flagrant wanton cruelty, and horrid grievous treſpaſſes upon all the rights of mankind, if attended to, might ſuffice, without having recourſe to other innumerable examples, to deter all freemen from inveſting their princes with abſolute power. This

change

change in the conduct of *Auguſtus* was in no ſmall part probably owing to the advice of his faithful friends. *Julius Cæſar* when he became ſovereign, eſteeming the peoples affections his beſt guards, rejected the uſe of thoſe which were propoſed by his friends; and *Auguſtus*, his ſucceſſor, "paid great court to the people: the very name that co-"vered his uſurpation was a compliment to them: he affected to call "it the power of the *tribuneſhip*, an office firſt created purely for their "protection, and as the ſtrongeſt effort and barrier of popular liberty. "It was for their ſake and ſecurity he pretended to aſſume this power, "though by it he acted as abſolutely as if he had called it the *dictato-"rial* power; ſuch energy there is in words! The office itſelf was "erected as a bulwark againſt tyranny; and by the name of it tyranny "is now ſupported. In the ſame manner he uſed and perverted the "*conſulſhip*, another magiſtracy peculiar to the common-wealth, but "by him abuſed to the end of his monarchy."

SECT. III.

HAVING briefly ſtated the fall of the *Roman* free ſtate, and its cauſes, with the introduction and eſtabliſhment of imperial abſolute power, diſguiſed as far as poſſible to ſecure its continuance, the authors purpoſe is to collect a few hiſtorical flowers in his paſſage to the ſixteenth century.

Trajan, who excelled in juſtice and integrity, as well as military accompliſhments, was adopted and aſſociated into the empire by *Nerva*, on advice of whoſe death when at *Cologne*, among other things, he A. C. 99. wrote with his own hand to the *ſenate* that he would neither put to death nor diſhonour any honeſt man. He aſſured them of this upon oath, and repeated the ſame at other times. This he faithfully performed, tho' attempts were made to deceive him; for in his nature he was averſe to duplicity, guile, or aſperity. Good men he loved, kindly received, and honoured, and diſregarded others, his vertue encreaſing with his age. His friends, with whom he lived in great familiarity, blaming him for being too courteous to all, he anſwer'd he would be ſuch an emperour to private perſons as he would have wiſhed emperours to be to him if a private man. During the common-wealth when a *dictator* was choſen he appointed a maſter of horſe for his ſecond in command. Under the emperours this officers place was ſup-

plied by one named *prefectus prætorio*. He commanded the emperours guards, and in proceſs of time had much greater power than the former. When choſen by the emperour the cuſtom was to deliver to him a ſword with a girdle, the enſign of his power, and *Trajan* having choſen a perſon for this office, when the time for completing his appointment came, he drew the ſword, and reaching it to him uſed theſe memorable words: *Take this ſword, that if I govern well you may uſe it for me, but if ill againſt me.* *Pliny*, in his oration to the *ſenate*, made in honour of this prince, preſumes the excellence of his conduct was ſo great and conſpicuous, that it ſeemed to the *conſcript fathers* he meditated on this noble action day and night.

A. C. 139. *Antoninus Pius*, adopted by *Adrian*, ſucceeded to the empire, having before been one of the four *proconſuls* of *Italy*, and afterwards *proconſul* of *Aſia*, in which office he ſurpaſſed all his predeceſſors in the equity of his government, attracting thereby the eſteem and love of the people. When emperour he had for his ſubjects the tenderneſs of a father, and commonly uſed the expreſſion of *Scipio Africanus*, that *he would rather ſave the life of one citizen than ſlay a thouſand enemies*. He willingly hearkened to thoſe who complained againſt his officers and receivers; the imperial dignity he deduced to the greateſt civility, whereby it was more magnified: he did nothing by the mediation of others; ſo that his courtiers could neither terrify his ſubjects, nor make ſale of their pretenſes; ſeditions whereſoever they happened he repreſſed, not with cruelty, but with modeſty and gravity: *multa de jure ſanxit*. *Mæcenas*, we have ſeen, adviſed *Auguſtus* to give the *Roman* citizenſhip to all the ſubjects of the empire: this *Antoninus* did, as appears from the *Digeſts*, and the *Novellæ* of *Juſtinian*. Dig. lib. 1. tit. 5. l. 17. *In orbe Romano qui ſunt, ex conſtitutione imperatoris Antonini, cives Romani effecti ſunt.* This noble conſtitution is in effect celebrated in the elegant poem of *Rutilius*, who ſuſtained the offices of *conſul*, *præfect* of the city, military *tribune*, and *prætorian præfect*, in his addreſs to *Rome*, in the following words.

Feciſti patriam diverſis gentibus unam,
Profuit injuſtis te dominante capi:
Dumque offers victis proprii conſortia juris,
Urbem feciſti quod prius orbis erat.

Theodoſius the younger, who began his reign in the eaſt in the year 408, the diviſion of the empire taking place in the year 364, by his conſtitution

conſtitution gave the requeſted right of children in common to the ſubjects. To encourage matrimony the ſtanding laws of the empire had given ſeveral great advantages to married perſons who had children, reſpecting their inheritance, their acqueſts, or exemption from offices, being regulated by their number, and the place of their birth. Conſiderable, but different, benefits attended their having one, three, or five children: great benefits accrued to thoſe who had three children at *Rome*, which could not be enjoyed by the parents in *Italy* without having four, nor by the parents in the provinces without their having five. Thoſe who had and reared children were the proper objects of the laws; but the emperours frequently granted the right of children to particular perſons who had none. The value of the privilege attending the right of three children at *Rome* will appear from the following letter of *Pliny* to *Trajan*. * " You have occaſioned me, Sir, an inex- " preſſible pleaſure, by thinking me worthy of enjoying the privilege " which the laws confer on thoſe who have three children; for tho' it " was an indulgence to the requeſt of your very affectionate and wor- " thy friend *Servilius* that you granted this favour; yet I have the ſa- " tisfaction to find by the words of your reſcript, that you complied " the more willingly as his application was on my behalf. I cannot " but look upon myſelf as in poſſeſſion of my utmoſt wiſh after having " thus received, at the entrance of your auſpicious government, ſo " diſtinguiſhing a mark of your peculiar favour, at the ſame time that " it conſiderably heightens my deſire of leaving a family behind me. " I was not without this inclination even in thoſe wretched times, as " my two marriages will eaſily encline you to believe: but the Gods " decreed it better, by reſerving every valuable privilege to the bounty " of your generous diſpenſations: and indeed the pleaſure of being a " father will be ſo much more acceptable to me now that I can enjoy " it in full freedom and ſecurity."

Juſtinian, who began his reign in the year 527, conceiving that " he ought to render the condition of ſervants freed by their maſters " pure, unſullied and perfect, will'd that the ſole *Roman* citizenſhip " ſhould prevail, undiſtinguiſhed by place, age, or any thing elſe, " becauſe he was always inclined to make the condition of his ſubjects " better;" and therefore enacted, " if any perſon in making his man " or maid ſervant free ſhall have declared them *Roman* citizens (for it " is not otherwiſe lawful) let him know by this law, that he who hath

* Lib. 10. ep. 2.

" received

" received liberty ſhall have immediately following it the right of gold " rings, and new birth, and that he ſhall not henceforth require it " from the prince of neceſſity, all ſollicitude herein being needleſs." After making proper regulations reſpecting freed men and their patrons, marriages of maſters with their ſervants, and maſters having children by their ſervants, this emperour expreſſeth himſelf thus, " We have " to the utmoſt endeavour'd to give force and prevalence to liberty, " and to make it flouriſh and encreaſe in our government; and, influ- " enced by this deſire, we have chearfully ſuſtained ſo great wars in " *Lybia*, and in the weſt, for the advancement of true religion, and the " ſubjects liberty." *Juſtinian* adds, " We do nothing ſtrange, but " follow the beſt emperours; for as *Antoninus Pius* gave in common to " all the ſubjects the right of *Roman* freedom, before by them ſingly " requeſted, thus deducing ſtrangers to the *Roman* ingenuity; and " *Theodoſius* the younger the right of children, formerly requeſted, " gave in common to the ſubjects; ſo alſo this right of regeneration " and gold rings *, given formerly upon requeſt, and attended with " loſs and trouble, we give in like manner to all the ſubjects by this " law; for we have reſtored to nature perſons worthy of ingenuity, " not ſingly for the future, but to all henceforth worthy of liberty " from their maſters, that we may alſo add this great and general " bounty to our ſubjects."——Hereupon *Gothofred* ſaith, " Thus good " princes are wont uſually to ſurpaſs each other in governing their ſub- " jects with *equal right*, and beſtowing benefits upon them."

A. C. 162. *Antoninus Pius* dying M. *Aurelius Antoninus* the philoſopher ſucceeded him. *Herodian*, a worthy author of the third century, among other things, ſaith he was endued with all princely vertues, and of ſuch exquiſite knowledge as not to be ſurpaſſed by any of the *Greeks* or *Romans*; of ſo ſweet a temper and courteous behaviour towards all men, that he would give his hand to every one that came to him, commanding his guards to put back none. Being weakened with age, and ſpent with inceſſant toil and care, he fell into a grievous diſeaſe in *Pannonia* †. When he ſaw himſelf paſt recovery he was ſore afraid leſt his ſon, for whoſe better inſtruction he had ſent far and near for many

* *Aſconius*, who lived under *Auguſtus*, ſaith gold rings were the *ſigns of ingenuity*; and *Iſidore*, the laſt of the fathers in point of time, though not of learning, ſaith that it was lawful for the *ingenui* only to wear gold rings.

† Now *Auſtria*.

noble

noble philoſophers, giving them great penſions to train him up in vertue and learning, who was then but young [about 18] ſhould in his youth, *thro' the incitements of uncontro'lable imperial power* (when he was gone) quit the purſuit of knowledge, and practice of vertue. Being well verſed in hiſtory, and of profound judgment, he was much terrified with the remembrance of many princes who came to their ſovereignty when they were young [inſtancing ſeveral grievous tyrants:] revolving in his mind thoſe images of tyranny he was greatly agitated by hope and fear: moreover conſidering the unſettled dangerous ſtate of *Germany*; in theſe perplexities he commanded his kinſmen and principal lords to come to him, who being aſſembled he ſet the young prince before them, and lifting up himſelf a little on his couch made this ſpeech unto them. "That you ſhould be grieved to "ſee me in my preſent ſtate is nothing ſtrange, for men are led by na- "ture to compaſſionate their relations miſeries, and thoſe which we "have before us excite greater commiſeration; but between you and "me there is a more ſpecial bond, for, my diſpoſition towards you "conſider'd, I have juſtly expected benevolence in return, and now "is the fiteſt juncture for me to perceive that I have not thus long in "vain honour'd and preferred you, and for you to ſhew yourſelves "grateful, and that you are not unmindful of the benefits received; "you ſee here my ſon, whom you have educated, now in his early "youth, and needing as in a ſtormy and tempeſtous ſea governours to "direct him, leſt being miſled, thro' unſkilfulneſs of what is right he "be precipitated into a depraved conduct: be you therefore as ſo "many fathers unto him, accompanying and adviſing him the beſt "things; for no treaſure in the world can ſo aſſure a prince, nor the "ſtrongeſt guard ſo well preſerve him, as the good will and love of "his ſubjects. The way to reign long and ſecurely is not to purchaſe "fear by cruelty, but to win love by mildneſs and clemency; for "they are the beſt ſervants, and furtheſt from jealouſy and flattery, "not which are compel'd by neceſſity, but led by their affection, nor "will they ever decline doing what is required, unleſs they be un- "juſtly and violently oppreſſed; now it is difficult for a prince to mo- "derate himſelf and bridle his appetite; wherefore adviſing him ſuch "things, and reminding him of what he now heareth, you will ren- "der him an excellent prince to yourſelves and all others, and make "the beſt gratification to my memory; for by this way only you will

" be able to immortalize it." On concluding this ſpeech the empe-
rour ſwooned, and became ſpeechleſs, all preſent being o'erwhelmed
with grief, and ſome unable to forbear breaking out into loud lamen-
A. C. 181. tations: he languiſhed a day and night, and then died, leaving to his
contemporaries love inexpreſſible, and to future ages an everlaſting
memorial of his vertue. His death being known the army and people
were all ſeized with the deepeſt concern, every nation in the empire
with many tears received the meſſage, and deplored their incompara-
ble loſs, ſome calling him the moſt indulgent father, others the beſt
of princes, others the moſt noble commander, and others the moſt
temperate and accompliſhed ruler, all their expreſſions according with
the truth. Every abſolute government being a tyranny *in poſſe*, the
tyranny *in poſſe* of to day may be a tyranny *in eſſe* to morrow; and the
moſt excellent prince cannot by ſeting the beſt example, and by
making the beſt proviſion poſſible, ſecure the good behaviour of his
ſucceſſor.

Commodus ſucceeding, for a ſhort time, followed the prudent coun-
ſels of his fathers friends; but his deluſive courtiers uſing all means
to corrupt him enflamed his mind ſo far with a deſire to return and
enjoy the delights of *Rome*, inſtead of proſecuting the war for the ho-
nour and ſafety of his empire, that the beſt counſels could not defeat
the deſigns of theſe deceitful ſycophants, whoſe continual ſtudied de-
vices combining with the malignity of his nature, exceeding all the
fears of his excellent father, he at length became a moſt capricious,
wanton, cruel tyrant, who ſeemed to delight in collecting and im-
proving all the vices of human nature; no dignity, ſex, age, or near-
neſs of blood could preſerve the objects of his luſt, or cruelty. He
made the companions of his crimes, or their favorites, governours of
provinces, commited the chief care of the empire ſucceſſively to two
moſt avaricious, impious, and traiterous miniſters, and having brought
on himſelf the hatred and contempt of the *ſenate*, in revenge he pur-
poſed their deſtruction; but at length himſelf became the victim of
his intended cruelty to others. He was extremely dextrous in things
unfit for his ſtation, had great delight in openly killing wild beaſts,
and in the company of *gladiators* and other the moſt profligate per-
ſons. Having reſolved on the approaching feſtival of *Janus* to iſſue out
of a fencing-ſchool armed like a maſter of defence, with a train of
gladiators, inſtead of going from his palace, and appearing in his
princely

princely robes to the people, he communicated this deſign to *Marcia*, his favorite miſtreſs, who falling on her knees, with tears beſought him not to prophane the majeſty of the *Roman* empire in that manner, nor to hazard his perſon among ſuch lewd and deſperate ruffians; being unable to prevail ſhe went away weeping. Then ſending for *Lætus*, general of his armies, and *Eclectus* his chamberlain, he commanded them to prepare a lodging for him that night in the fencing-ſchool, that he might go from thence the next morning to ſacrifice on that ſolemn feſtival, and ſhew himſelf in arms to the *Romans*. They humbly deſired him to deſiſt from his purpoſe of doing what was ſo unworthy an emperour; whereupon in great rage he commanded them out of his preſence, and returning to his bed-chamber to repoſe, as he was wont at noon, he writ in his table-book thoſe whom he doom'd to death that night, among whom were *Marcia*, *Lætus*, *Eclectus*, and very many nobles and ſenators, being fully reſolved to cut off all the ancient counſellors and others that were his fathers friends, leſt his black deeds ſhould be checkt by their grave cenſures, intending to divide their eſtates among the ſoldiers and ſword players, that the former might defend, the other delight him. Having thus done he laid down the table-book, not imagining any would enter his chamber; but a little child, ſcarce able to ſpeak, of whom he was exceeding fond, going into the bed-chamber took away the book to play with, and *Marcia* meeting him took the book from him, and on reading the deadly contents found ſhe was to be firſt kill'd, and that *Lætus* and *Eclectus* were to follow, with ſuch a number of noble perſons; ſhe immediately ſent for *Eclectus*, and giving him the book, ſaid, ſee what a banquet we are to have this night, who having read it, ſeal'd it up, and ſent it to *Lætus*; he perceiving their danger inſtantly repaired to *Marcia*, pretending he was to ſpeak with her about preparing the fencing-ſchool for the emperour; when all met they agreed they muſt do or ſuffer without delay, and concluded to diſpatch him by poiſon, which *Marcia* undertook to give him; and *Commodus* returning exceeding thirſty from bathing, and chaſing wild beaſts, ſhe gave him the poiſon in a cup of aromatic wine, which he uſually drank at ſuch times. He ſoon fell into a ſlumber, which was imputed to his violent exerciſe; wherefore *Eclectus* and *Marcia* ordered all to depart, leſt he ſhould be diſturbed. Having reſted awhile, and the poiſon now working, he vomited extremely. His continued vo-

miting

miting made the conſpirators afraid he ſhould diſcharge the poiſon, and put them all to the ſword; whereupon, for a great reward, they prevailed upon a *deſperado* to ſtrangle him, having reigned thirteen years.

SECT. IV.

A. C. 395. The reſcript of DAGOBERT, the firſt king of the FRANCS, of the nobles, and people of the kingdom, to VALENTINIAN emperour of the ROMANS, requiring tribute, aſſerting the liberty of the FRANCS.

THE ſempeternal liberty of the *Francs* hath been accuſtomed to impoſe tribute on other nations, not to pay it; but you who, the ſtrength of the *Francs* being abſent, fought with an unarmed few, and overcame by guile, not fortitude, if you are confident you have a right of requiring tribute from the *Francs*, come when you will, and with the ſword we will convince you we are, and ever have been, moſt free, and that you are a ſervant. We certify theſe things to you, leſt you ſhould ſend any unarmed perſon to us reſpecting this matter, as we contend rather to give life than to loſe liberty.

Imperial Conſtitutions of the Germanic-Roman Empire, Tom. 1. P. 4.

A. C. 547. The ſpeech of TOTILA, king of the GOTHS, to his ſoldiers, after taking, and entering the city of ROME.

Being deſirous of repreſſing the minds of the *Goths*, elated with victory, having aſſembled them the following day, he ſpake thus. Doth any of you, fellow ſoldiers, beholding ſuch changes as have happened in theſe late years, not dread the fragility of human affairs, and not eaſily diſcover whence theſe changes ariſe? I omit *Rome*, once the miſtreſs of the world, having fallen into your hands, for theſe things are more ancient, and the ruin of this city is not now firſt begun; I have choſen rather to commemorate what concerns us. What more powerful before this war than the *Gothic* nation thro' *Italy*? She brought 200000 warriors into the field, plentifully furniſhed with arms, horſes, wealth, gold and ſilver, poſſeſſed all *Italy*, with *Sicily*, *Corſica*, *Sardinia* and *Dalmatia*. Who would ever have thought this

ſo

ſo great power ſhould be overthrown by ſeven * *Greek* ſoldiers, for no more came at firſt into *Italy?* Afterwards, when the *Greeks* held and had domination over all things, who would ever have thought that you, being very few and needy, ſhould recover *Italy* againſt 20000 *Greeks*, when at firſt you were but 4000 horſe, and, except *Pavia*, *Verona*, and *Tarviſium*, held nothing in *Italy*, and now at length take *Rome*, which *Vitigis*, with an army of 200000, and a years ſiege, could not ſubdue. Theſe are, fellow ſoldiers, the greateſt things, and worthy no ſmall admiration: but the cauſes of theſe changes, if we attend, are moſt evident, for whilſt the *Goths* cultivated equity and juſtice with each other their affairs and power floriſhed; but when a deſire of having more corrupted them, then domeſtic ſeditions, inteſtine murders, and clandeſtine treacheries ariſing among them produced ruin. But again, when theſe depravities were overcome by the juſtice of your leader, you being amended have eaſily overcome them. Wherefore conſidering theſe things ye ought by no means to be elated with your victory, but to reverence God, and dread the mutability of fortune; and to underſtand that empires, and all powers are very eaſily loſt, unleſs they be conſerved by juſtice, foreſight and induſtry. Know therefore, fellow ſoldiers. that the greateſt part of your labour ſtill remains; for to preſerve acqueſts is harder than to acquire, becauſe in acquiring the poſſeſſors ſloth often confers more than a mans own vertue; but no man can preſerve what is acquired without his own vertue. Theſe things *Totila* then ſpake, and the *Goths* extoll'd the wiſdom of their king.

Imper. Conſtitutions of the Germanic-Roman Empire. Tom. 1. p. 10.

Conſtantine, ſon of *Leo* the wiſe, aſcended the throne at the age of A. C. 912. ſeven years, under the tutelage of his mother *Zoa*. He reigned 48 years. For the uſe of his ſon *Romanus* he wrote a book which treated of various nations, alliances, and affairs of the empire, and contained important inſtruction and advice, of which *Caſaubon*, librarian to *Henry* 4th of *France*, in his celebrated preface to *Polybius*, addreſſed to that king, ſpeaks thus to his majeſty. "There is, Sir, in your "moſt ample and truly royal library, a book of *Conſtantine Aug. Por-* "*phyrogenitus*, not yet publicly known, which the pious parent writ "for the ſake of his ſon *Romanus* when partner in the empire. The

* *Procopius*, in his third book of the *Gothic* wars, ſaith 7000.

" experienced prince knew that for the management of affairs wherein " the public welfare is contained it was chiefly desirable that the dis- " positions of men with whom they are concerned be well known; " whether subjects, friends, allies, or enemies; whether dwelling " near or at the utmost boundaries, it is of great importance, or ra- " ther, I had almost said, the whole consists in knowing their nature, " manners, institutions, form of religion, inclinations or aversations; " the emperour therefore having partly by use, partly by reading, most " accurately learnt the origins, manner of life, institutions of war and " peace of all people between whom and the empire there was any " commerce, formed on that subject a truly learned and useful com- " mentary, and left to his son this most excellent monument of pater- " nal affection, a work worthy to be some time published by your " majesty's command." In the year 1611 this book was published by *Meursius* at *Leyden*, in the *proeme* whereof the emperour invokes the divine protection of his son, with grace to reign for the sake of truth.

SECT. V.

1555. Oct. 26th. CHARLES 5th at *Brussels*, having sent for his son *Philip* out of *England*, resigned to him in the presence of the *States* the sovereignty of the *Low-countries:* in *January* following he resigned to him the dominions of *Spain*, and transfered the empire of *Germany* to his brother *Ferdinand*; having foreseen how much the keeping of *Flanders* well united to the rest of the monarchy of *Spain* did conduce to his sons greatness, he made *Philip* come thither when yet very young, that he might be sworn his successor after his death, as he was. Cardinal *Bentivoglio*, in his history of the wars of *Flanders*, after observing that never any war afforded more copious matter of human instructions, among other things saith, that " the *states* representing each of the provinces " were generally formed of three sorts of persons, ecclesiastics, no- " bles, and the more common sort of people; that the people there " had always enjoyed many prerogatives and privileges in the form of " their government, and therefore yielded to their princes an obedi- " ence mixt with liberty—that very great was the love which the em- " perour *Charles* shewed towards those countries, the people whereof " forgot not his great affability to them in his tender years, *and how* " *graciously he always heard and received them*; which caused them al- " ways to shew all requisite obedience and constant devotion toward " him,

" him, unleſs in that little commotion in *Gaunt*, which was quieted
" as ſoon as begun. *Flanders* after this enjoy'd full and perfect felicity
" as long as he lived; for except in the frontiers toward *France*, which
" ſometimes ſuffered by taking up of arms, all the reſt of the provin-
" ces enjoyed a flouriſhing peace and perpetual tranquility; ſo as it
" cannot be expreſt how much the inhabitants plenty, frequency of
" traffic, beauty of cities, and abundance of all things requiſite therein
" were augmented: particularly you would have thought that *Europe*
" had choſen *Antwerp* for the univerſal ſtaple town of her traffic, in
" ſo great numbers, and with ſuch varieties of merchandize, did all
" foreign nations, even from the remoteſt regions, flock thither;
" which was much occaſioned through the moderate and wiſe govern-
" ment of two princeſſes whoſe names will for ever be celebrated in
" *Flanders*, the lady *Margaret*, aunt to the emperour, and her ſiſter
" the lady *Mary*, queen of *Hungary*, the one or the other whereof go-
" verned all thoſe provinces almoſt all the while the emperour lay in
" the field."

King *Philip*, after his fathers reſignation continued in *Flanders*, without returning to his queen, until the year 1559, when reſolving to go into *Spain* he appointed his natural ſiſter the dutcheſs of *Parma* governeſs of the *Low-countries*, with certain perſons for her privy council, of whom the chief in his confidence was the biſhop of *Arras*, afterwards cardinal *Granville*, a *Burgundian*, who having been ſecretary to the emperour, from the *arcana* of this prince had much better learnt the art of abſolute than of limited government, whom after the kings departure ſhe chiefly conſulted; and to him two of the graveſt counſellors did openly adhere, *Vighlio*, a lawyer of great eſteem, and preſident of this council, and *Barlemont* one of the chief of the treaſury, who being both abſolutely reſolved to follow the kings ſentiments, wou'd acknowledge no other interpreter thereof than *Granville*, in whoſe breaſt they knew the king had chiefly depoſited them, whence jealouſys and factions aroſe, ſo that, according to our hiſtorian, *Orange*, *Egmont*, and *Horne*, three members of this council of ſtate, " ſcan-
" dalized at the continuance of a cabinet council wherein many things
" of weighty conſequences were reſolved on without their acquaint-
" ance, murmured publicly againſt it in all places. *Was this the re-*
" *ward of their paſt ſervices and merits, that the king, under the name*
" *of the dutcheſs of* Parma, *ſhould make their country be governed and*
" *domineered*

" *domineered over by the cardinal* Granville? *that the king did only confide*
" *in him, and made him only acquainted with his true intentions; that they*
" *were allowed votes in the council, and places in the provinces, only as in-*
" *ſignificant cyphers; that the weightieſt affairs were treated of in ſecret*
" *unknown to the council, and that ſuch laws were given to* Flanders *as*
" *beſt liked an imperious* Burgundian; *that the inquiſition was chiefly the*
" *offspring of his advice; that he wou'd thus bring in the government of*
" Spain *and* Italy *into* Flanders, *and rule over their conſciences as well as*
" *perſons; that the eſtates, honours, nay even lives of the moſt innocent*
" *among them, were expoſed to the rigour of the inquiſition upon any appear-*
" *ance, any report how falſe or ſlight ſoever. Let* Spain *and* Italy *groan*
" *under ſuch a burden, the one ſo infected with the* Moors, *and the other*
" *ſo often overrun by* Barbarians; *that* Flanders *enjoyed the purity of its*
" *ancient blood, and the moderation of its peculiar laws.*"

Sir *William Temple* informs us, that in the year 1565 " letters came
" from king *Philip* to the dutcheſs of *Parma*, declaring his pleaſure
" was that all heretics ſhould be put to death without remiſſion, and"
(with other matters) " commanding that the utmoſt aſſiſtance of the
" civil power ſhould be given to the inquiſition. When this was di-
" vulged, at firſt the aſtoniſhment was great throughout the provinces;
" but that ſoon gave way to their rage, which began to appear in their
" looks, their ſpeeches, their bold meetings, and libels; and was en-
" creaſed by the miſerable ſpectacles of ſo many executions upon ac-
" count of religion——In the begining of the year 1566 began an
" open mutiny of the citizens in many towns, hindering executions,
" and forcing priſons and officers; and this was followed by a con-
" federacy of the lords, never to ſuffer the inquiſition in the *Low-*
" *countries*, as contrary to all laws both ſacred and prophane, and ex-
" ceeding the cruelty of all former tyrannies; upon which all reſolu-
" tions of force or rigour grew unſafe for the government, now too
" weak for ſuch a revolution of the people; and on the other ſide
" *Brederode*, in confidence of the general favour, came at the head of
" two hundred gentlemen thro' the provinces to *Bruſſels*, and in bold
" terms petitioned the governeſs for aboliſhing the inquiſition, and
" edicts about religion, and that new ones ſhould be framed by a con-
" vention of the ſtates. The governeſs was forced to uſe gentle reme-
" dies to ſo violent a diſeaſe; to receive the petition without ſhew of
" the reſentment ſhe had at heart, and to promiſe a repreſentation of

" their

" their deſires to the king; which was accordingly done: but tho'
" the king was ſtartled with ſuch conſequences of his laſt commands,
" *and at length induced to recall them*; yet, whether by the ſlowneſs of
" his nature, or the forms of the *Spaniſh* court, the anſwer came too
" late; and as all his former conceſſions, either by delay, or teſtimo-
" nies of ill-will or meaning in them, had loſt the good grace, ſo this
" loſt abſolutely the effect, and came into the *Low-countries* when all
" was in flame by an inſurrection of the meaner people thro' many
" great towns of *Flanders*, *Holland* and *Utrecht*."

King *Philip* being apprized of theſe diſorders took the advice of his council, among whom the dukes of *Alva* and *Feria* were in great eſteem both with the king and council, *Feria* chiefly for civil affairs, and *Alva* for military. *Feria* was for reducing the *Flemiſh* to their duties by fair means, and *Alva* by force; and when the king was in council to reſolve what was to be done in this important buſineſs they gave their ſeveral reaſons for their opinions. The duke of *Feria* ſpeaking firſt, after entering deeply into the conſideration of the whole matter, earneſtly recommended the princely vertue of clemency, and foretold in great meaſure the evils that follow'd upon uſing military force. The duke of *Alva*, who had gained great renown in war, being by nature enclined to ſeverity, and by force to overcome rather than ſweeten difficulties, contended for the uſe of the army, to enforce rigorous puniſhment of paſt offenſes, and to compel obedience to the kings edicts and commands reſpecting religious and civil affairs, regardleſs of the ancient rights and privileges of the people. The council were divided, and the king ſome time waver'd in opinion, but at length reſolved to ſend the army propoſed by the duke of *Alva*, whom he appointed to command it. The duke proceeded with ten thouſand the beſt *Spaniſh* and *Italian* ſoldiers which the wars of *Charles* 5th, or *Philip* 2d, had bred up in *Europe*; this meaſure being taken contrary to the advice of the dutcheſs of *Parma*. On his arrival in *Flanders*, in the latter end of the year 1567, being join'd by 2000 *Germans*, raiſed by the dutcheſs in the laſt tumults, ſhe retiring into *Italy*, he had the ſole command, and for ſome time prevailed over all oppoſition, and thereupon daily became more haughty and imperious; but thro' the management of queen *Elizabeth*, and otherwiſe, becoming diſtreſſed by the want of money to pay his troops, with the expenſe of citadels he was building in *Antwerp* and other places, he demanded of the

ſtates the hundreth part of every mans eſtate to be raiſed at once, and for the future the 20th of all immoveables, and the 10th of all that was ſold. " The *ſtates* with much reluctance conſented to the firſt, " as a thing that ended at once, but refuſed the others, alledging the " poverty of the provinces, and the ruin of trade. On the dukes " perſiſting they petitioned the king, but without redreſs; then " ſpending the time in conteſts, until the duke impatient of further " delay cauſes the edict, without conſent of the *ſtates*, to be publiſhed " at *Bruſſels*; the people refuſe to pay, the ſoldiers begin to levy by " force; the townſmen all ſhut up their ſhops; the people in the " country forbear the market, ſo as not ſo much as bread or meat is " to be bought in the town; the duke is enraged, and calls the ſol- " diers to arms, and commands ſeveral of the inhabitants who refu- " ſed the payments to be hanged that very night upon their ſign-poſts; " which nothing moves the obſtinacy of the people: and now the " officers of the guards are ready to begin the executions, when news " comes to town of the taking of the *Briel* by the *Gueſes* *, and of the " expectation that had given of a ſudden revolt in the province of " *Holland*.

" This unexpected blow ſtruck the duke of *Alva*, foreſeeing the " conſequences of it, becauſe he knew the ſtubble was dry: and now " he found the fire was fallen in he thought it an ill time to make an " end of the tragedy in *Brabant* whilſt a new ſcene was opened in " *Holland*; and ſo quiting for the preſent his taxes and executions " applies his thoughts to the ſuppreſſion of this new enemy that broke " in upon him from the ſea."

Cardinal *Bentivoglio* ſaith that " *Flanders* had never formerly been " wont to ſuffer the grievances of taxes and impoſitions as uſed in " *Spain*, *Italy*, and other places. The ancient cuſtom was for the " prince to deſire ſuch aſſiſtance from the people in his neceſſities as " was thought needful, and the often denying thereof ſhewed that the " granting it lay in the peoples free-will: when they were reſolved to

* Upon *Brederodes* delivering a petition to the dutcheſs of *Parma*, the perſons who attended him being meanly attired were called by *Barlemont* as they entered the palace *Gueſes*, or beggars, which name, tho' raiſed by chance or ſcorn, was affected by the party, as an expreſſion of humility and diſtreſs, and uſed ever after by both ſides, as a name of diſtinction, comprehending all who diſſented from the *Roman* church, how different ſoever in opinion among themſelves.

" grant

" grant any, every province impoſed upon itſelf ſuch a proportion as " was fit for that purpoſe: theſe contributions were demanded by the " prince, and granted by the people but for a certain prefixt time, " and as oft as the one was neceſſitated to make new deſires, as oft " was the other to renew again their conſents."

Grotius, in his annals and hiſtory of *Belgic* affairs, ſaith that " the " two ſtates, of nobles and town commonalty, had anciently the care " of the common-wealth—nor was it lawful, without the conſent of " all, to impoſe tributes, or change the preſent ſtate of affairs; ſo " cautious were they that even their good princes might not become " bad—that they had no fortreſſes, or ſoldiery in time of peace, ex- " cept a few garriſons in the extreme borders—that the *Spaniards*, " accuſtomed to govern *Italy*, and depopulate *America*, ſought the " ſame right or cauſe of war againſt the *Dutch*, who in a ſucceſſion " of princes had united as it were in equal league—that *Philip*, whoſe " youth had paſſed among kingdoms and flatterers, had moreover an " auſtere gravity, was of few words, affected ſolitude; and being " formed after the manners of the *Spaniards*, was not to be accoſted " but in that language: he therefore governing on his fathers retire- " ment, by his inherent deſire of domination, not yet curbed by ex- " perience, did not eaſily ſuffer any bounds or meaſure, and doubt- " leſs thought the faith and bravery of the *Spaniards* the faireſt inſtru- " ment of government. How great the deſire is in royal diſpoſitions " to ſubvert the laws which break the force of power, the ſignal ruin " of princes or people afford examples both old and new—that when " *Philip* was about to depart, he was for leaving a garriſon of above " 3000 *Spaniſh* ſoldiers, under pretenſe of defending the borders from " the *French*, but in reality that he might arbitrarily reſtrain religious " licence, encreaſed by foreign alliances in war. *Orange* and *Egmont*, " whom, to leſſen envy, he had deſigned to command them, refuſed " the office, as averſe to the laws. Upon his departure, the conven- " tion of the *ſtates*, whom he had convoked only to take his leave of " them, had requeſted him to remove the hated ſoldiery, adding an " admonition, not to uſe other than *Belgic* councils for the govern- " ment of the *Belgic* provinces. The kings hatred ariſing hence be- " came on this account more implacable, that they ſeemed to have " apprehended the approaching domination, and arts of empire."

Sir

Sir *Walter Ralegh*, in the preface to his hiſtory of the world, ſaith " *king Philip* 2d, not ſatisfied to hold *Holland* and *Zealand* (wreſted by " his anceſtors from *Jaqueline*, their lawful princeſs) and to poſſeſs in " peace many other provinces of the *Netherlands*, perſuaded by that " miſchievous cardinal of *Granville*, and other *Romiſh* tyrants, not only " forgot the moſt remarkable ſervices done to his father the emperour " by the nobility of thoſe countries; not only forgot the preſent made " him upon his entry of 4000000 florens, called the *novelle aide*; nor " only forgot that he had twice moſt ſolemnly ſworn to the *general* " *ſtates* to maintain and preſerve their ancient rights, privileges and " cuſtoms, which they had enjoyed under their thirty and five earls " before him, conditional princes of thoſe provinces; but begining " firſt to reſtrain, and enthral them by the *Spaniſh* inquiſition, and " then to impoveriſh them by many new deviſed and intolerable im- " poſitions, he laſtly by main force attempted to tread under his feet " all their natural and fundamental laws, privileges, and ancient " rights: to effect which, after he had eaſily obtain'd from the *pope* a " diſpenſation of his former oaths (which diſpenſation was the true " cauſe of the war and blood-ſhed ſince then) and after he had tried " what he could perform by dividing of their own nobility, under the " government of his baſe ſiſter *Margaret* of *Auſtria* and the cardinal " *Granville*, he employed that moſt mercileſs *Spaniard Don Ferdinand* " *Alvarez* of *Toledo*, duke of *Alva*, followed with a powerful army of " ſtrange nations, by whom he firſt ſlaughtered that renowned captain " the earl of *Egmont*, prince of *Gavare*, and *Philip Montmorency* earl " of *Horn*, made away *Montigue* and the marquis of *Bergues*, and cut " off in thoſe ſix years that *Alva* governed of gentlemen and others " 18600 by the hands of the hangman, beſides all his other barbarous " murthers and maſſacres; by whoſe miniſtry, when he cou'd not yet " bring his affairs to their wiſhed ends, having it in his hope to work " that by ſubtilty which he had fail'd to perform by force, he ſent for " governour his baſtard brother *Don John* of *Auſtria*, a prince of great " hope, and very gracious to thoſe people: but he, uſing the ſame pa- " pal advantage his predeceſſors had done, made no ſcruple to take " oath upon the holy evangeliſts to obſerve the treaty made with the " *general ſtates*, and to diſcharge the *Low-countries* of all *Spaniards* " and other ſtrangers therein garriſoned, toward whoſe pay and paſport " the *Netherlands* ſtrained themſelves to make a payment of 600000 " pounds;

" pounds; which monies received he ſuddenly ſurpriſed the citadels
" of *Antwerp* and *Namures*, not doubting (being unſuſpected by the
" *ſtates)* to have poſſeſs'd himſelf of all the maſtering places of thoſe
" provinces; for whatſoever he overtly pretended, he held in ſecret a con-
" trary counſel with the ſecretary *Eſcovedo*, *Rhodus*, *Barlemont* and others,
" miniſters of the *Spaniſh* tyranny formerly practiſed, and now again
" intended. But let us now ſee the effect and end of this perjury, and
" of all other the dukes cruelties. Firſt, for himſelf; after he had
" murther'd ſo many of the nobility, executed, as aforeſaid, 18600
" in ſix years, and moſt cruelly ſlain man woman and child, in *Meck-*
" *lin*, *Zutphen*, *Narden*, and other places; and after he had conſumed
" 3600000 of treaſure in ſix years, notwithſtanding his *Spaniſh* vaunt,
" that he would ſuffocate the *Hollanders* in their own butter-barrels
" and milk-tubs, he departed the country no otherwiſe accompanied
" than with the curſe and deteſtation of the whole nation, leaving his
" majeſtys affairs in a tenfold worſe eſtate than he found them at his
" firſt arrival. For *Don John*, whoſe haughty conceit of himſelf over-
" came the greateſt difficulties, though his judgment were over weak
" to manage the leaſt, what wonders did his fearful breach of faith
" bring forth, other than the king his brothers jealouſy and diſtruſt,
" with the untimely death that ſeized on him, even in the flower of
" his youth? And for *Eſcovedo* his ſharpwited ſecretary, who in his
" imagination had conquered for his maſter both *England* and the *Ne-*
" *therlands*, being ſent into *Spain* upon ſome new project, he was at the
" firſt arrival, and before any acceſs to the king, by certain ruffians, ap-
" pointed by *Anthony Perez* (though by better warrant than his) rudely
" murthered in his own lodging. Laſtly, if we conſider the king of
" *Spains* carriage, his counſel and ſucceſs in this buſineſs, there is no-
" thing left to the memory of man more remarkable; for he hath paid
" above an hundred millions, and the lives of above 400000 chriſtians,
" for the loſs of all thoſe countries which for beauty gave place to
" none, and for revenue did equal his *Weſt-Indies*; for the loſs of a
" nation which moſt willingly obeyed him, and who at this day, after
" forty years war, are, in deſpight of all his forces, become a free
" eſtate, and far more rich and powerful than they were when he firſt
" began to impoveriſh and oppreſs them. Oh! by what plots, by
" what for-ſwearings, betrayings, oppreſſions, impriſonments, tor-
" tures, poiſonings, and under what reaſons of ſtate and politic ſub-

" tilty, have kings pulled the vengeance of GOD upon themſelves,
" upon theirs, and upon their prudent miniſters! and in the end have
" brought thoſe things to paſs for their enemies, and ſeen an effect ſo
" directly contrary to all their own counſels and cruelties, as the one
" could never have hoped for themſelves, and the other never have ſuc-
" ceeded if no ſuch oppoſition had ever been made. GOD hath ſaid
" it, and performed it ever: *Perdam ſapientiam ſapientum*; I will de-
" ſtroy the wiſdom of the wiſe."

SECT. VI.

QUEEN *Elizabeth* in the year 1585, publiſhed a declaration of the cauſes moving her to give aid to the defence of the people afflicted and oppreſſed in the *Low-countries*, which ſeems to have been formed with great deliberation, wherein ſhe ſets forth the juſt and reaſonable grounds which induced her to give aid to theſe neighbouring countries, being by long wars and perſecutions lamentably afflicted, and in danger to be brought into a perpetual ſervitude; ſhe ſtates the long-continued alliances, and profitable commerce between the two countries, and their conventions to ſhew mutual favours and duties; that the king of *Spain* departing from his *Low-countries* had been, as it was to be thought, counſeled by his counſelers of *Spain* to appoint *Spaniards* foreigners and ſtrangers, *men more exerciſed in wars than in peaceable government*, to be their chiefeſt governours, contrary to their ancient laws and cuſtoms; that theſe *Spaniards* being exalted to *abſolute* government by ambition, and for private lucre, had violently broken their ancient laws and liberties; that ſhe had often, again and again, moſt friendly warned him, that if he did not by his wiſdom and princely clemency reſtrain the tyranny of his governours, and cruelty of his men of war, his ſovereignty would be endangered; that ſhe had found the general diſpoſition of all her own faithful people very ready in this caſe, and earneſt in offering to her, both in parliaments and otherwiſe, their ſervices with their bodies and blood, and their aids with their lands and goods, to withſtand and prevent this common danger to her realm and themſelves. This declaration her majeſty concludes thus. " We hope our intention herein, and our
" ſubſequent actions will be by Gods favour both honorably and cha-
" ritably interpreted of all perſons (ſaving of the oppreſſors them-
" ſelves, and their partizans) in that we mean not hereby, either for
" *ambition*

" *ambition* or *malice (the two roots of all injuſtice)* to make any particu-
" lar profit hereof to ourſelf, or to our people, onely deſiring at this
" time to obtain by Gods favour for the countries a deliverance of
" them from war by the *Spaniards* and foreigns, a reſtitution of their
" ancient liberties and government by ſome *chriſtian* peace, and there-
" by a ſurety for ourſelves and our realm to be free from invading
" neighbours, and our people to enjoy in thoſe countries their lawful
" commerce and entercourſe of friendſhip and merchandiſe."

Don Ferdinand Vaſquez, a moſt eminent *Spaniſh* lawyer, one of the chief judicial officers of king *Philip*, began the dedication to that prince of his three books of illuſtrious controverſies, and of other things frequent in uſe, by ſaying, " It is *Platos* opinion, moſt *chriſtian* " and moſt powerful monarch, that all princes who govern a com-
" mon-wealth ſhould carefully obſerve two precepts. The firſt is that
" they prefer the utility of the citizens to their own emoluments;
" for as the tuition of minors, ſo likewiſe the adminiſtration of the
" common-wealth is to be conducted for the benefit of thoſe who are
" governed, not of their governours. The other is, that they re-
" gard, ſuccour, and take care of the whole people, leſt while hav-
" ing reſpect to ſome one part or other only they forſake the care of
" the reſt." 1564. Jan. 28th.

This illuſtrious author ſaith, b. 1. ch. 1. §. 1. " There is a three-
" fold difference of princes; for ſome are meer and ſimple and legiti-
" mate; ſome legitimate, but not ſimple or meer; ſome neither meer
" nor legitimate. The meer and legitimate are thoſe who are cho-
" ſen by a free people, to govern the people, than which principality
" there cannot be any more juſt or grateful; and it hath reſpect to
" the meer utility of the citizens, not alſo of the rulers, as we ſhall
" ſhortly ſhew." §. 10. he ſaith, " We ſhall ſet forth as a founda-
" tion a certain as it were elementary rule, whence near 200 defini-
" tions very arduous, uſeful and excellent will be derived. Let the
" rule be this, That all lawful principalities, kingdoms, empires,
" powers of laws and men were deviſed, created, received, and ad-
" mited for the public utility of the citizens themſelves, not alſo of
" the rulers, is aſſerted and teſtified by the common and moſt fre-
" quent opinion of philoſophers and legiſlators, holy men and doc
" tors, in the ſame manner as other magiſtracies; ſo *Plato* writeth,
" whom *Cicero* citeth and followeth." Ch. 8. §. 1. 2. he ſaith, " We
" deny

" deny that a meer prince can once impoſe ſubſidy on his citizens, far " leſs twice, or oftener, is it lawful for him to do it, as *Bocrius* diſ- " puteth, deciſ. 131, which controverſy will be juſter in vaſſals re- " ceiving fief from ſuch a lord, wherein the conventional law of the " fief is to be obſerved. 2. It appeareth that ſuch a prince cannot " encreaſe the ancient ſubſidy of ſuch citizens againſt their wills." The year 1566 is aſſigned by Sir *William Temple* for the date of the revolt of the *Low-countries*, altho' great diſſention and complaints had ariſen ſeveral years before; wherefore the preceding excellent documents were at ſuch time laid before king *Philip*, that his due obſervance thereof, with the indiſpenſable obligation of his duty and oaths, inſtead of following the dictates of domination, bigotry, and cruelty, would have prevented his proſecution of thoſe grievous meaſures which in concluſion cut off this important part of his empire, and thereby cauſed ſo great declenſion of the *Spaniſh* monarchy.

SECT. VII.

1579. June 11th. QUEEN *Elizabeth*, to enlarge her dominion, and encreaſe its commerce, by obtaining and ſecuring part of *America*, by letters patent under the great ſeal, which is *clavis regni*, granted to Sir *Humphrey Gilbert*, and to his heirs and aſſigns, licence to diſcover ſuch remote heathen and barbarous lands and countries not actually poſſeſſed of any *chriſtian* prince or people, as to him or them ſhould ſeem good, the ſame to hold to him and his heirs and aſſigns for ever; to be holden of her, her heirs and ſucceſſors by homage; and moreover granted to him and them licence at all times to encounter, repel, and reſiſt by ſea and land all perſons who ſhould without his and their licence, attempt to inhabit within any of the ſaid countries, or within 200 leagues of any of the ſettlements they or their aſſociates ſhould make within ſix years, if not before inhabited by the ſubjects of any *chriſtian* prince in amity with her majeſty: and for the better encouragement of men to this enterprize, " thereby granted and declared " that all ſuch countries ſo thereafter to be poſſeſſed and inhabited " from thenceforth ſhould be of the allegiance of her, her heirs and " ſucceſſors: and granted to Sir *Humphrey*, his heirs and aſſigns, and to " all and every of them, and to all and every other perſon and perſons, " being of her allegiance, whoſe names ſhould be noted or entered

" in

" in ſome of her courts of record within her realm of *England*, and " that with the aſſent of the ſaid Sir *Humphrey*, his heirs or aſſigns, " ſhould in that journey for diſcovery, or in the ſecond journey for " conqueſt, travel to ſuch lands and countries as aforeſaid, and to their " and every of their heirs, that they and every or any of them, being " either born within her realms of *England* or *Ireland*, or in any other " place within her allegiances, and which thereafter ſhould be inha- " biting within any the lands and countries with ſuch licence as afore- " ſaid, ſhould and might have and enjoy all the privileges of free de- " nizens and perſons native of *England*, and within her allegiance, in " ſuch like ample manner and form as if they were born and per- " ſonally reſiaunt within her ſaid realm of *England*."

Sir *Humphrey Gilbert*, in purſuance of this grant, ſailed with five ſhips, man'd with about 260 men, for *North America*, and on the third of *Auguſt* took poſſeſſion of the harbour of *St. John* in *Newfoundland*, and of 200 leagues every way, comprizing all thoſe lands which in part ſurround and form the great bay or gulph, as well as the gulph, with the iſland of *Newfoundland*, and all the adjacent iſlands and ſeas, extending ſo as to compriſe *Nova Scotia* as afterwards granted to Sir *William Alexander*; and in the moſt notorious manner inveſted the queens majeſty with the title and dignity thereof.—At the time of this proceeding, or at any other during the reign of queen *Elizabeth*, no other *chriſtian* prince had poſſeſſion of any part of the lands thus compriſed—Sir *Humphrey*, after making divers regulations of the fiſhery, ſailed for *England*, but was loſt in his paſſage. 1583.

Queen *Elizabeth* made a ſimilar grant in all reſpects to Sir *Walter Ralegh*, his heirs and aſſigns. In vertue of this grant poſſeſſion was taken of the country afterwards called *Virginia*; but the three ſettlements begun in her majeſtys reign were broken up, the firſt being abandoned by reaſon of the extreme miſeries and dangers to which the ſettlers were ſubjected; the ſettlers of the next were ſlain by the ſavages; and thoſe who were carried in 1587 to form the third ſettlement, could not be found in 1589 when captain *White* went to relieve them; and this ſettlement was diſcontinued till the reign of king *James*. 1584. March 25th.

King *James*, with intent to ſecure the ſea coaſt of *Virginia*, and of other lands, with all the inland countries lying within 34 and 45 degrees of north latitude, by his letters patent made proper grants to 1606. April 10th.

Sir *Thomas Gates* and others, for planting two diſtinct colonies within the limits aforeſaid, each containing 100 miles fronting the coaſt, with the like inland extent, each colony to be planted by the proprietors within their ſeveral limits thereby appointed; and to be diſtinguiſhed by the names of the firſt and ſecond colony in *Virginia*; and thereby declared that "all and every the perſons being his ſubjects "who ſhould dwell and inhabit within every or any of the ſaid ſeve-"ral colonies and plantations, ſhould have and enjoy all liberties, "franchiſes and immunities within any of his other dominions, to all "intents and purpoſes as if they had been abyding and born within "his realm of *England*, or any other of his ſaid dominions."

1609. May 23d. King *James*, by his letters patent, after reciting the grant laſt mentioned, incorporated the earl of *Saliſbury* and twenty other nobles, Sir *Humphrey Weld*, lord mayor of *London*, and ninety five other knights; five hundred and eleven divines, ſquires, merchants, military and other gentlemen, and tradeſmen; fifty five companies of the city of *London*, and twenty eight more merchants, gentlemen and tradeſmen, "by the name of the treaſurer and company of adven-"turers and planters of the city of *London* for the firſt colony in *Vir-*"*ginia*;" and thereby "granted to them and their ſucceſſors all thoſe "lands, countries and territories ſituate and lying in that place of *Ame-*"*rica* called *Virginia*, from the point of land called *Cape Comfort* all along "the ſea coaſt to the northward 200 miles, and from the ſaid point "all along the ſea coaſt to the ſouthward 200 miles, and all that "ſpace and circuit of land lying from the ſea coaſt of the precinct "aforeſaid, up into the land throughout from ſea to ſea weſt and "north-weſt. To hold all and ſingular the ſaid lands, countries and "territories to them, their ſucceſſors and aſſigns, to their ſole and "proper uſe; to be holden of him, his heirs and ſucceſſors, as of his "manor of *Eaſt Greenwich*, in free and common ſoccage, and not in "capite;" and by the ſaid letters patent declared that "all and every "the perſons being his ſubjects, which ſhould go and inhabit within "the ſaid colony and plantation, and every of their children and "poſterity which ſhould happen to be born within the lymites thereof, "ſhould have and enjoy all liberties, franchiſes and ymmunities of "free denizens and natural ſubjects within any of his other domi-"nions, to all intents and purpoſes as if they had been abiding and "born within his kingdom of *England*, or in any other of his domi-"nions."

King

King *James* by his letters patent, for the ſeveral reaſons therein aſ- 1610. May 2d.
ſigned, incorporated *Henry* earl of *Northampton*, keeper of the privy ſeal, Sir *Laurence Tanfield* knight, chief baron of the *Exchequer*, Sir *John Doddridge* knight, ſerjeant at law, Sir *Francis Bacon* knight, ſollicitor general, Sir *Daniel Dun*, Sir *William Cope*, Sir *Percival Willoughby*, and Sir *John Conſtable* knights, *John Weld* eſquire, and thirty nine gentlemen and others, and their aſſociates, by the name of the treaſurer and company of adventurers of the city of *London* and *Briſtol*, for the colony or plantation in *Newfoundland*; and did thereby grant to the ſaid treaſurer and company, and to their ſucceſſors, all the lands lying to the ſouthward of the parallel line paſſing by cape *Bonaviſte*, and alſo to the eaſtward of the meridian line paſſing by cape *St. Mary*, together with the ſeas and iſlands lying within ten leagues of any part of the ſea coaſt of the country aforeſaid; and alſo all the lands and iſlands commonly called *Newfoundland*, ſituate between 46 and 52 degrees of north latitude. To hold and enjoy all and ſingular the ſaid lands, countries and territories, to the ſole and proper uſe of the ſaid treaſurer and company, their ſucceſſors and aſſigns. To be holden of him, his heirs and ſucceſſors, as of his manor of *Eaſt Greenwich* in the county of *Kent*, in free and common ſoccage, and not *in capite*; and did thereby grant and declare that "all the perſons being his ſubjects which ſhould "go and inhabit within any colony or plantation, within any the pre- "cincts aforenamed, and every of their children and poſterity which "ſhould happen to be born within the lymits thereof, ſhould have "and enjoy all liberties, franchiſes and ymmunities of free denizens "and natural ſubjects within any of his other dominions, to all in- "tents and purpoſes as if they had been abiding and born within his "realm of *England*, or in any other of his dominions."

King *James*, to ſtretch out his dominions, did by his letters patent 1620. Nov. 3d.
grant and ordain that all the continent lying between 40 and 48 degrees of north latitude, and extending from ſea to ſea, ſhould be the limits of the colony thereby eſtabliſhed, to be called by the name of *New England* in *America*; and for the better planting, ruling and governing of the ſame ordained, that there ſhould be for ever in the town of *Plymouth* in the county of *Devon*, one body politic and corporate, conſiſting of forty perſons, to be called by the name of the council eſtabliſhed at *Plymouth* in the county of *Devon*, for the planting, ruling, ordering and governing of *New England* in *America*; and thereby granted and ordained that *Lodowick* duke of *Lenox*, and twelve other

other nobles, Sir *Edward Seymour* knight and baronet, and eighteen other knights, *Matthew Sutcliffe* dean of *Exeter*, *Robert Heath*, and ſix other eſquires, ſhould be the firſt council; and did thereby abſolutely give and grant unto the ſaid council, and their ſucceſſors, all that part of *America* lying from 40 to 48 degrees of north latitude incluſively, and in length of and in all the breadth aforeſaid throughout the main lands from ſea to ſea. To hold to them and their ſucceſſors and aſſigns for ever, to their ſole and proper uſe. To be holden of him, his heirs and ſucceſſors, as of his manor of *Eaſt Greenwich* in his county of *Kent*, in free and common ſoccage, and not *in capite*, nor by knights ſervice; and thereby granted and declared that "all and "every perſons being his ſubjects, which ſhould go and inhabit within "the ſaid colony and plantations, and every of their children and "poſterity which ſhould happen to be born within the limits there-"of, ſhould have and enjoy all liberties and franchiſes and immuni-"ties of free denizens and natural ſubjects within any of his other "dominions, to all intents and purpoſes as if they had been abiding "and born within his kingdom of *England*, or any other his domi-"nions."

1627. July 2d. King *Charles* by his letters patent granted to the earl of *Carliſle*, his heirs and aſſigns, the iſlands of *St. Chriſtopher*, *Granado*, *St. Vincent*, *St. Lucia*, *Dominico*, *Antigoa*, *Monſerrat*, *Barbado*, and ſundry other the *Caribbe* iſlands, with ample rights and juriſdictions, to be enjoyed in like manner as they were held and enjoyed by any biſhop of *Durham* in the county palatine of *Durham*, forming of the whole one province, by the name of *Carliola*, and conſtituted him, his heirs and aſſigns lords and proprietors thereof. To be holden of him his heirs and ſucceſſors kings of *England in capite* by knights ſervice; and thereby "appointed, ordained, and commanded that the ſaid province "ſhould be of his ligeance; that all and ſingular the ſubjects and "lieges of him, his heirs and ſucceſſors, deduced, or to be deduced "into the province aforeſaid, and their children there either already "born, or thereafter to be born there, were and ſhould be *indigeni* "and lieges of him, his heirs and ſucceſſors, and in all things be "held, term'd, reputed, and accounted as faithful lieges of him, his "heirs and ſucceſſors, within his kingdom of *England* deſcended; and "alſo freely and peaceably inherit, poſſeſs, uſe and enjoy all liberties, "franchiſes and privileges of his kingdom as his lieges within his

"kingdom

" kingdom of *England* born, or to be born, without impediment, mo-
" leſtation or grievance of him his heirs or ſucceſſors."

The amount of the expenſes of making the firſt ſettlements within the limits of the ſeveral grants made by the preceding letters patent may in ſome meaſure be known by the account given of the expenſes of ſettling the *Maſſachuſetts* colony, by the reverend Mr. *Cotton Mather*, in his *New-Engliſh* hiſtory, publiſhed at *London* in the year 1702. This ſettlement, begun in the year 1628, was carried on for twelve years together by gentlemen of worthy families, divines, merchants, huſbandmen, and artificers, whoſe expenſes, according to our author, were as follow. " The paſſage of the perſons by computation
" coſt at leaſt 95000 l. the tranſportation of their firſt ſtock of cattle
" great and ſmall no leſs than 12000 l. beſides the price of the cattle;
" the proviſions laid in for ſubſiſtence till tillage might produce more
" coſt 45000 l. the materials for their firſt cottages 18000 l. their
" arms, ammunition, and great artillery 22000 l. beſides which
" 192000 l. the adventurers laid out in *England* what was not incon-
" ſiderable. About 198 ſhips were employed in paſſing the perils of
" the ſeas in the accompliſhment of this renowned ſettlement."

To encourage ſo great numbers of noblemen, eminent and worthy perſons of various degrees, with their aſſociates and other adventurers, to undertake with all the expenſe, riſque, pain and peril neceſſary to make ſo great acqueſts of dominion, in the inhoſpitable parts of a diſtant quarter of the globe, then little known, without charge to the crown, by the preceding letters patent the equal and beneficial nature of this new dominion thus to be acquired was aſcertained, and proviſion made that all the adventurers, ſettlers, and their poſterity, ſhould enjoy all the public rights in theſe new dominions which they would have enjoyed if abiding or born in *England*. The wiſe, juſt, and proper foundation of acceſſional empire to be acquired by the adventurers and ſettlers being thus laid by the crown, their entire confidence in the perpetual endurance thereof, for the benefit of themſelves and their deſcendants, in caſe their manifold labours and dangers ſhould be crowned with ſucceſs, ſo far inſpirited them to perſecute this great enterprize, that by their numerous and vigorous efforts, patience and perſeverance under their manifold great ſufferings in war and peace, at length overcoming all difficulties, they ſo far prevailed, that they acquired ſeveral extenſive, hoſtile or dangerous, unprofitable ter-

ritories, converted ſeveral parts into uſeful poſſeſſions, and reduced the whole to the obedience of the crown of *England*, with a continual encreaſe of the manufactures, trade and navigation of the kingdom, to the great advance of its wealth and naval ſtrength, thereby clearly manifeſting the great wiſdom and national benefits of theſe eſtabliſhments, with the merits of the coloniſts, which, in the authors poor opinion, ſufficed, upon the principles of reaſon and ſound policy, to have obtained for them, if wanted, a good title to the *Engliſh* right; for what greater benefit could accrue to that kingdom than ſhe received from thoſe proceedings which ſo far augmented the dignity, wealth, and ſtrength of her naval empire?

The colonies being from their eſtabliſhment held of the crown of *England optimo jure*, and the ſubjects entitled to the right of the natural born ſubjects in *England*, the inhabitance of foreigners in any of theſe colonies was, under certain regulations, in proceſs of time conſidered by the king and parliament reaſon ſufficient for deeming them natives of *Great Britain*, thereby giving the ſtrongeſt confirmation poſſible of the free ſtate of the natural born ſubjects in the colonies.

The ſtat. 13 Geo. 2. cap. 7. entitled "an act for naturalizing ſuch "foreign proteſtants and others therein mentioned, as are ſettled, or "ſhall ſettle, in any of his majeſtys colonies in *America*," after reciting thus. "Whereas the increaſe of people is a means of advancing "the wealth and ſtrength of any nation or country: and whereas "many foreigners and ſtrangers from the lenity of our government, "the purity of our religion, the benefit of our laws, the advantages "of our trade, and the ſecurity of our property, might be induced to "come and ſettle in ſome of his majeſtys colonies in *America*, if they "were made partakers of the advantages and privileges which the natu-"ral born ſubjects of this realm do enjoy; therefore enacts that from "the firſt day of *June* 1740, all perſons born out of the ligeance of "his majeſty, his heirs or ſucceſſors, who have inhabited and reſided, "or ſhall inhabit and reſide, for the ſpace of ſeven years, or more, in "any of his majeſtys colonies in *America*, and ſhall not have been "abſent out of ſome of the ſaid colonies for a longer ſpace than two "months at any one time during the ſaid ſeven years," and ſhall take the oaths, and make the declarations, or affirmations, with the ſubſcriptions, therein ſpecified and required, "ſhall be deemed, ad-"judged and taken to be his majeſtys natural born ſubjects of this "kingdom,

" kingdom, to all intents, conſtructions and purpoſes, as if they, or " every of them, had been or were born within this kingdom."—— From what precedes, in the authors opinion, it clearly appears that the ſubjects in the colonies from their ſettlement were well entitled to the *Engliſh* right, to be held in common with their fellow ſubjects in *England*, the whole making one public family, the king being their common father, entitled to enjoy one common law of liberty, and thereby forming one common cauſe proper for their mutual defence *, the ſeveral modes of their enjoying this common liberty by reaſon of their reſpective ſituation, inſtitution, or other matters, by no means diminiſhing its ſubſtance.—The more numerous the faithful poſſeſſors of liberty are, the more ſecure will be the free ſtate of all.

SECT. VIII.

THE *Romans*, by adopting their allies, ſtrangers, perſons deſtitute of ſettlement, and their brave enemies when conquered, into their ſtate, raiſed themſelves from the ſmalleſt nation to the greateſt, and from the moſt obſcure to the moſt illuſtrious; but their policy changing with their manners, the *ſenates* haughty refuſal of the *Roman* right to their allies occaſioned the ſocial war, begun in the year of *Rome* 662, which within two years exhauſted the *Roman* treaſury, containing at its commencement 1620829 pounds weight of gold, with all that cou'd be ſpared from their vaſt annual revenue; ſo that the *queſtors* were forced to turn the prieſts and ſacrifices out of the houſes allowed them round the *capitol*, and to let them out for public uſe.—A war which ſubjected *Rome* to extreme miſery, and in no ſmall degree depopulated *Italy*, and which, before its concluſion, gave to the allies the rights they juſtly claimed; for, to uſe the words of *Florus*, *jus civitatis, quam viribus auxerant, ſocii juſtiſſime poſtularunt*, the *ſenate* and people, who oppoſed this claim, after diſcerning their error thro' their ſufferings, having the wiſdom to reform it, which had brought their ſtate into ſo great danger, that, according to the ſentiments of intelligent authors, if the powerful *Mithridates* had in ſeaſon joined the allies, it would probably have been overthrown, and the new

* The inhabitants of *Lavinium*, when beſieged, thought themſelves obliged to ſuffer any extremity, rather than break their faith with the *Romans*, whom they eſteemed their deſcendants.

common-

common-wealth intended by them raiſed, in imitation of the *Roman, when free from corruption, domeſtic violence, and confuſion*; but that great prince neglecting the opportunity proper for ſecuring himſelf and his dominions, after many noble efforts, with ſeveral inſtances of ſucceſs, was wholly overcome by the victories of *Sylla*, *Lucullus*, and *Pompey*, who thus compleated the *Roman* grandeur, for he thereby "united to "the body of its empire countries of a boundleſs extent, which, "however, heightened the *Roman* magnificence rather than encreaſed "its power; and tho' it appeared by the titles carried in his triumph "that he had encreaſed the revenue of the public treaſury above a "third, there yet was no augmentation in power; and the public li-"berty was thereby only expoſed to the greater danger:" whereas our colonies are a conſtant encreaſing ſource of induſtry and labour, the beſt ſupport of mankind, employed in manufactures, trade, and navigation, whereby great collections of wealth are daily making, accompanied with the moſt beneficial means of its participation by innumerable well deſervers in this kingdom, and the continual augmentation of its naval ſtrength, whereon the ſafety and glory of the empire do ſo far depend.

Among other errors attending the unhappy controverſy with our colonies, the great expenſe of the laſt war having been upon ſeveral occaſions charged to their account, this war is to be conſider'd in its commencement, cauſes, and relations to former wars and treaties, and to the unjuſt claims, injurious encroachments, and dangerous deſigns of *France*, with their hoſtile invaſions prior to the open declaration of it. The war begun in 1744 was concluded by treaty at *Aix la Chapelle* the 18th of *October* N. S. 1748, and the marquis of *Galiſſoniere*, commandant general of *New France*, having before his knowledge of its concluſion diviſed freſh claims and encroachments upon important parts of the *Britiſh* empire, as appear'd in part from his letter to Mr. *Maſcarene*, commander in chief of *Nova Scotia*, dated at *Quebec January* 15th, 1749, after his maſter had got the expected poſſeſſion of *Cape Breton*, he diſpatched an officer to the *Ohio* for the purpoſe mentioned in the following account of his own proceeding. "In the year 1749, "of the reign of *Lewis* 15th, king of *France*, we *Celeron* command-"ant of a detachment ſent by the marquis of *Galiſſoniere*, commandant "general of *New France*, to reeſtabliſh tranquility in ſome ſavage vil-

"lages

" lages of theſe cantons, have buried this plate at the confluence of " the *Ohio* and *Tchadakoince* the 29th of *July* near the river *Ohio*, " otherwiſe *Fair-river*; for a monument of the renewal of poſſeſſion, " which we have taken of the ſaid river *Ohio*, and of all thoſe which " fall thereinto, and of all the lands on both ſides, as far as to the " ſprings of the ſaid rivers, in like manner as the preceding kings of " *France* have, or ought to have, enjoy'd them, and as they have main- " tained them by arms and by treaties, eſpecially by thoſe of *Reſwick*, " *Utrecht*, and *Aix la Chapelle*." And *Nova Scotia* continuing, as it had been in times paſt, the great object of the deſire of *France*, the marquis began the invaſion of it by another detachment, which enter'd, and made their repeated advances into it. The other injurious and hoſtile proceedings of *France*, will appear from the memorial preſented to his late majeſty in council in *April* 1754.

To the Kings moſt excellent majeſty in council.

The memorial of WILLIAM BOLLAN, Eſq; agent for your majeſtys province of MASSACHUSETTS BAY, in NEW ENGLAND,

Moſt humbly ſhews,

That the *Engliſh* having by the treaty concluded at *Utrecht* given up to the *French* the iſland of *Cape-Breton*, together with a large part of the cod fiſhery, to the diminution of the *Engliſh* dominions, and the great prejudice of their fiſhery, commerce, and naval power, it is humbly apprehended it thereupon became neceſſary for the *Engliſh* to ſecure effectually thoſe countries which were confirm'd to them by that treaty, and that the avowed importance and public complaints of the conceſſions thus made to the *French*, contain'd in the impeachment of the earl of *Oxford* for adviſing thoſe conceſſions, fully manifeſted this neceſſity; and it is humbly conceived that if this neceſſary meaſure had been taken the ſafety of your majeſtys *American* empire would thereby have been ſo far completed, that, in all human probability, it would never afterwards have been in the power of *France* to make any great and permanent breach in it, and her utmoſt efforts would have amounted to tranſitory annoyances only. It is true that by allowing to the *French* ſuch a large ſhare of the cod fiſhery they acquired their principal nurſery of ſea-men, and, together with a great part of the fiſhing trade, they carried off other trades depending thereon, thereby greatly diminiſhing the fiſhing trade of the *Engliſh*, who would other-

wiſe have enjoyed that inexhauſtible ſource of commerce and naval ſtrength wholly to themſelves, to whom it originally belonged: and it is alſo true that the *French* by poſſeſſing *Cape-Breton* were enabled not only to protect the fiſhery thus yielded up to them, but to diſtreſs the *Engliſh* fiſhery, and to annoy all their navigation in thoſe ſeas; yet nevertheleſs inaſmuch as all *Accadie* or *Nova Scotia*, with its ancient boundaries, which it is well known compriſe all that part of the continent lying between the river *Canada* on the north, and the *Atlantic* ocean on the ſouth, and extending weſtward from the mouth of *Canada* river and the gulph of *Canada* on the eaſt till it meets with your majeſtys other territories, was by this treaty yielded and made over to the crown of *Great Britain* for ever, and the five nations or cantons of *Indians* were thereby expreſsly declared by both crowns to be ſubject to the dominion of *Great Britain*, whereby the ſovereignty over all their country was eſtabliſhed in your majeſtys crown againſt all the pretenſions of *France*; if the ſituation and extent of theſe countries, and your majeſtys other territories on the continent of *America* be conſidered, together with all their advantages, it is humbly apprehended the whole will plainly appear to have formed ſuch a dominion as when ſtrengthened by properly ſecuring *Nova Scotia*, and the country of the five nations, might have been for ever protected from all the deep and dangerous deſigns of *France*.

That this dominion thus ſtrengthened and ſecured, according to the ordinary courſe of human affairs, would have become ſo formidable, that the *Engliſh* by means of this and their other force muſt in time have had the command of the *French* colonies; and it having been declared in the councils of *France* as a notorious truth, that the navigation of that kingdom owes all its encreaſe and ſplendour to the commerce of its colonies, and that it cannot be kept up and enlarged otherwiſe than by that commerce, it is apprehended that the *Engliſh* being thus by an apt and ſufficient force enabled to command the *French* colonies, this muſt have given them very great advantages at all times.

That on the other hand the preſervation of your majeſtys colonies is neceſſary to the being of your majeſtys kingdom as a maritime power ſuperiour or equal to *France*—The large proportion of the whole *Engliſh* navigation employed in carrying on the commerce of the colonies, and the preſent proportionate naval forces of the two kingdoms being

being conſidered, it is humbly apprehended this point will appear indubitably clear and certain.

That the preſervation of your majeſtys ſugar-iſlands depends on the preſervation of your majeſtys colonies on the continent, and the ſecurity of the latter depends on the preſervation of *Nova Scotia*, and the country of the five nations—Theſe points, it is humbly conceived, will manifeſtly appear conſidering the ſituation of the *Engliſh* and *French* colonies, and their mother-countries, the courſe of all their *American* navigation, with the policy and forces of the two ſtates, eſpecially that firm policy of the *French* which leads them by means of encreaſing fiſheries, trade and colonies to enrich their country, and raiſe a powerful naval empire. And, under your majeſtys favour, your memorialiſt would farther particularly obſerve that the preſervation of the country of the five nations is neceſſary in order, 1ſt. to give a proper breadth, or ſufficient inland extent to your majeſtys colonies on the continent; 2d. to prevent the junction of the *French* ſettlements on the rivers of *Canada* and *Miſſiſſippi*; and, 3d. to ſecure the fidelity of the five nations, whoſe martial diſpoſition, and firm attachment to the *Engliſh*, has made them a long time a great bulwark and defence of divers of the *Engliſh* colonies againſt the *French* and their *Indians*, and who have been a great check to the growth of the *French* power on the continent of *America*, and whoſe defection from the *Engliſh*, and attachment to the *French*, would render in time of open war all the outer ſettlements at leaſt in the *Engliſh* colonies a general ſcene of ſlaughter and deſolation; and that the *French* by gaining and holding *Nova Scotia* would acquire theſe advantages: 1ſt. they would be able directly to deprive the *Engliſh* of a great part of their cod-fiſhery, and greatly to diſtreſs the reſt; 2d. they would thereby gain the command of the chief part at leaſt of the *Engliſh* maſt country; 3d. they would be enabled to diſtreſs all the *Engliſh* navigation both in paſſing and repaſſing between *England* and divers of the *Engliſh* colonies, and likewiſe to diſtreſs all the *Engliſh* ſhiping on their return home from the other colonies, as the courſe of navigation makes all the *Engliſh* ſhiping in their return from the *Engliſh* colonies paſs before *Nova Scotia*, ſo that this acquiſition to *France* would make a long extended hoſtile ſhore to all the *Engliſh American* navigation, that is, to the greateſt part of all the *Engliſh* ſhiping; 4th. this acquiſition would in time greatly ſtrengthen and facilitate the enterpriſes and dangerous deſigns

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of *France* upon any of your majeſtys other colonies; ſo that it is with great reaſon, as it is humbly apprehended, that the *French* look upon *Nova Scotia* as the principal point which muſt in time determine the power and dominion on the continent of *America* to the *Engliſh* or *French*.

That notwithſtanding the intereſt of the Engliſh ſo plainly required their eſpecial care upon concluding the treaty of *Utrecht* to ſecure *Nova Scotia*, and the country of the five nations, yet it is unhappily certain that an adequate and ſufficient care was not taken by them of that matter: on the contrary during the late peace they permited the *French* to enter the country of the five nations, and to erect and maintain in the heart of it a fort at the great paſs of *Niagara*, and ſuffer'd them moreover to make a large advance upon another part of the ſame country, directly towards the *Engliſh* ſettlements, and to ſeize *Crown-point* at the ſoutherly end of the lake of the five nations, by the *French* call'd lake *Champlain*, and there to erect and continue a ſtrong fort, the *French* having by their encroachments in this quarter ſeized about one third part of the whole breadth of your majeſtys *American* empire. They raiſed this fort for the defence of theſe encroachments, and to be a means of making others, and to facilitate in time of open war their attacks upon the *Engliſh* ſettlements. And as to *Nova Scotia*, it being provided by the treaty of *Utrecht* that in all the places and colonies that were to be yielded and reſtored by the *French* king in purſuance of the treaty, the *French* ſubjects might have liberty to remove themſelves within a year to any other place, as they ſhould think fit, together with all their moveable effects, and that thoſe who were willing might remain there, and be ſubject to the kingdom of *Great Britain*, there was no oath of allegiance proper for ſuch ſubjects taken by them, but they were ſuffered to continue without taking any ſuch oath, and in a ſtate rather independent and lawleſs than proper for ſuch ſubjects, until the year 1726, when ſome of them very unwillingly took an oath of allegiance to his late moſt excellent majeſty, and about three or four years afterwards the inhabitants in general took the like oath, wherein it was mentioned that your *Britannic* majeſty had granted them the privileges and liberties of your natural-born ſubjects; but this oath they took upon their own terms of being neuters, and not to carry arms upon any pretenſe whatſoever, which it is ſaid was granted them by an inſtrument apart, for the oaths which they took make no

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mention of this matter. Theſe oaths taken on theſe terms, and after ſuch long delay, added very little to the ſecurity of the country; and there being no civil government eſtabliſhed and exerciſed over it, the ſmall hold gain'd by the *Engliſh* upon the minds of the inhabitants by theſe oaths was in a little time leſſen'd, if not entirely loſt, thro' the arts and management of the *French*, who had from the begining watched the conduct of the *Engliſh*, and taken their advantage of it, employing for that purpoſe their prieſts, whom they from time to time diſpatched from *Canada* as their principal engines, and who under proper directions conducted themſelves with ſuch dexterity and addreſs, that they form'd a cloſe union between theſe inhabitants and the ſeveral *Indian* tribes in the country, and attached both parties to the intereſts of *France*; ſo that by means of the conduct of the *Engliſh* on one hand, and the natural diſpoſition of the inhabitants cooperating with the conſtant deſigns, vigilance, and dextrous management of the *French* on the other hand, this province before the commencement of the late war was brought into ſuch a dangerous and wonderful condition, that it wou'd be tedious as well as difficult to give it a particular deſcription; and, under your majeſtys favour, it may be ſaid in a word that the *French* had form'd the whole into one maſked battery, ready, when they ſhould ſee occaſion, to be played off with other force againſt the ſmall ſtrength which the *Engliſh* had there, to the utter loſs of that province, and the great danger of the adjacent *Engliſh* countries.

That the *French* opened the war in *America* by taking *Canceau*, a part of *Nova Scotia*, where a conſiderable fiſhery uſed to be carried on by your majeſtys ſubjects. They then directly laid ſiege to *Annapolis*, by which alone the province of *Nova Scotia* was held for your majeſty, and they proſecuted that ſiege until they had made very great advances with the garriſon in a capitulation for an actual ſurrender, when the ſuccour raiſed by your majeſtys province of *Maſſachuſetts Bay* interpoſed and ſaved it, whereupon Monſ. *Duvivier*, who had taken *Canceau*, and commanded the ſiege againſt *Annapolis*, proceeded to *France*, to concert meaſures with the miniſtry there for the conqueſt of *Nova Scotia*, and the further proſecution of the war in that quarter, for which purpoſes Monſ. *Duvivier* was diſpatched the next ſpring with five ſail of ſhips of war: but while this armament was preparing, and proceeding, your majeſtys province of *Maſſachuſetts Bay* made an ex-

pedition againſt *Cape-Breton*, whereby that place was taken, *Nova Scotia* was ſaved, the *French* fiſhery deſtroyed, the *Engliſh* fiſhery preſerved, and the whole deſigns of the *French* for a time defeated. The next year the *French*, to indemnify themſelves for theſe loſſes, and to carry their great point of conquering *Nova Scotia*, and returning upon the inhabitants of *Maſſachuſetts Bay* the ſevere blows which they had received from them by an attack upon *Boſton* its metropolis, prepared and diſpatch'd a large armament under the command of duke *d'Anville*. This armament, conſiſting of twelve ſail of line of battle ſhips, with a great number of other veſſels, was intended to have been join'd by a ſquadron of men of war from *Martinique*, in order to ſecure effectually their main purpoſes; but by the ſpecial favour and interpoſition of divine providence, the great hopes formed by the *French* from this powerful armament were entirely blaſted, and *Nova Scotia* again ſaved, notwithſtanding duke *d'Anvilles* arrival there. The year following the *French* having a party from *Canada* lodged in *Nova Scotia* ready for action, they diſpatched from *France* a ſmaller armament to join their forces there, hoping by the ſpeed and ſpirit of their conduct to make that conqueſt with a leſſer force which they had failed of making the year before with a greater; but by the divine favour likewiſe this armament was delivered into your majeſtys hands. After this Monſ. *Ramſay* with the party from *Canada* continued in *Nova Scotia*, and had for ſome time the command of a conſiderable part of the country, having by ſurprize gained an advantage over a part of the troops raiſed by your majeſtys province of *Maſſachuſetts Bay*; but upon the whole this *French* party was ſo diſcomfited that before the end of the war they were forced to retreat, and entirely quit the country.

That notwithſtanding the right of ſovereignty over all the country of the five nations appertains to your majeſtys crown, and his moſt *chriſtian* majeſty expreſsly acknowledged that right by the treaty of *Utrecht*, which treaty was renewed and confirmed by the late treaty of peace concluded at *Aix la Chapelle*, the *French* have, ſince the concluſion of the latter treaty not only continued and maintained the aforementioned forts and encroachments, which they unjuſtly erected and made within the ſaid country during the late peace, but they have moreover erected in different parts of this country three other new and additional forts, by means of all which forts the *French* continue daily to gain ſtrength, and make other encroachments, whereby the ſecurity

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of thoſe parts o tnis valuable country which they have not already ſeized is greatly weakened, and the attachment of the five *Indian* nations to the *Engliſh* is much leſſened, to the great danger of all your majeſtys colonies on the continent.

That ſince the concluſion of the treaty of peace at *Aix la Chapelle*, the *French* have alſo, in open violation of your majeſtys undoubted right, invaded your majeſtys province of *Nova Scotia*, and entering it with an armed force on the north ſide they have march'd acroſs the country, and ſeized your majeſtys ancient fort of St. *John*, and repaired and ſtrengthened it, and proceeded to make a ſettlement, and build a ſtrong fort higher up on the river of St. *John*; and have moreover erected two other forts in the heart of this province, viz. one at the bottom of the bay of *Fundy*, and the other at the bottom of bay *Verte*; and they have for a conſiderable time paſt held, and now hold, the main body of this important province, leaving only to the *Engliſh* ſuch part as, it is humbly apprehended, will unqueſtionably fall into the hands of the *French* likewiſe, in caſe they are ſuffered to continue in poſſeſſion of what they have without any colour of right already ſeized, and now hold.

That your majeſtys province of *Maſſachuſetts Bay* labour'd with an indefatigable zeal to proſecute the late war to your majeſtys glory, and the common good of your dominions, and with a proper intent to defeat the deſign formed by *France* of geting ſuch hold of the eaſtern part of the continent of *North America*, as muſt in time give her the command of the whole; and for the effectual proſecution of theſe purpoſes, and the neceſſary defence of their own frontiers, near one third part of all the inhabitants of *Maſſachuſetts Bay*, able of body to bear arms, became your majeſtys ſoldiers: and altho' at the cloſe of the war this loyal and dutiful province found itſelf much weaken'd by the loſs of a great number of its inhabitants, occaſioned various ways by the war; yet, thro' the favour of heaven granting ſucceſs to its zealous endeavours for your majeſtys ſervice, this province had then the comfort of ſeeing your majeſty hold the iſland of *Cape-Breton*, to be diſpoſed of at your majeſtys pleaſure; and alſo to hold the province of *Nova Scotia* free and entire, to the general ſafety of your majeſtys colonies; and it is with the deepeſt concern they have ſince, in a ſuppoſed time of peace, ſeen the *French* ſeize, and from year to year hold, the far greater part of *Nova Scotia*, continuing daily to ſtrengthen

en and fortify it againſt your majeſty; and moreover by ſeizing and ſecuring the principal paſſes, and every other practical method, proceed to eſtabliſh a chain of empire extending from the ſea coaſt of *Nova Scotia* to the mouth of the river *Miſſiſſippi*, thereby encompaſſing your majeſtys colonies on the land ſide, and leſſening the *Engliſh* name and intereſt among all the *Indian* nations, forming ſeveral of the principal links of this chain out of your majeſtys territories.

All which, on behalf of your majeſtys moſt dutiful and affectionate ſubjects the inhabitants of *Maſſachuſetts Bay*, is moſt humbly ſubmited to your majeſty's royal and paternal conſideration; and it is moſt humbly prayed that your majeſty will be graciouſly pleaſed to conſider whether the ſafety of your majeſtys *American* empire does not require that the *French* be removed from their unjuſt poſſeſſions therein.

W. BOLLAN.

During the war begun in 1744 propoſals for effectually ſecuring *Nova Scotia* were made, conſidered, and agreed to by the government, but never executed. *Maſſachuſetts* colony ſaw the invaſion of this neighbouring province with concern from the begining, but, without ſpecial authority, they could not repel the invaders; all that lay in their power they did, which was to ſollicit their repulſion from time to time by their agent. The war therefore being cauſed by the hoſtile injurious proceedings, and dangerous deſigns of *France* (uncontrollable by the colonies, herein blameleſs) formed for the diſtreſs, diminution, diviſion, and final ſubverſion of the *Britiſh American* dominion, ſo great a ſource of her naval empire, thereby to enlarge her own dominion, and raiſe a ſuperiour naval power, this war was, I conceive, plainly a great national cauſe, and the expenſe of it conſequently a national charge. It is farther to be conſidered that all the parts of an empire are entitled to public protection againſt a public enemy at the public expenſe; and when a part, by reaſon of its national importance, becomes the great object of the enemies deſigns, and thereby more expoſed to the operations of the war, this ſtrengthens their claim to public protection upon the common principle of national juſtice and policy. This charge of the expenſe of the war to the account of the colonies moreover ſuppoſes them to be in a ſtate of ſeparation from this kingdom, in relation to the great article of war and common defence, one of the moſt eſſential parts of their conjunction, which tends to promote

promote their farther ſeverance, with the conſequent introduction of all the miſchiefs and dangers that attend diviſion in the greateſt empires, inſtead of reſtoring and ſtrengthening that cordial union which their mutual comfort and ſafety require, for which there is no equivalent; wherefore this and all other arguments drawn from diviſion are extremely prejudicial to the whole.

The former war, after being attended with loſſes on the continent of *Europe*, and the loſs of *Madraſs* in *India*, was concluded with the reſtitution of *Cape Breton* to *France*, and giving noble hoſtages to ſecure it. The reduction of this iſland, formerly part of *Nova Scotia*, having been made by *Maſſachuſetts Bay*, with the aid of the neighbouring colonies, with intent to preſerve *Nova Scotia*, to encreaſe and ſecure the *Britiſh* fiſhery, and by completing the *Britiſh* poſſeſſion of the ſea coaſt to encreaſe the ſecurity of her *American* navigation, with a power of annoying that of the enemy; theſe purpoſes being defeated by the reſtitution without complaint of thoſe who made the unexampled acquiſition; yet before payment of the expenſe of making and ſecuring it the late kings miniſters attempted to obtain an act of parliament * for enforcing the kings orders and inſtructions thro'out all the colonies, without the leaſt qualification or limitation, thereby to erect an abſolute dominion over them, in manifeſt repugnance to the conſtitution of the kingdom and the colonies.

Having ſhewn that the colonies were in no wiſe chargeable with cauſing the laſt war, ſo diſhonourable in its beginings, and ſo glorious in its progreſs, it is to be remember'd that during its continuance they made the moſt acceptable and ſtrenuous efforts to promote its ſucceſs, wherein the preſent ſuffering province of *Maſſachuſetts Bay* at different times, according to its conduct in former wars, diſtinguiſh'd itſelf.

Mutual confidence begets mutual content and benefit, whoſe enemy is diſtruſt; and ſince the colonies became of ſo great importance a ſuſpicion, wholly devoid, in the authors firm and conſtant opinion, of the leaſt foundation, of their having a real deſire to unite, and make themſelves independent, hath at different times in different degrees to their diſhonour and prejudice taken place.

* A bill for this purpoſe being brought in *March* 3d, 1748-9.

Trifles light as air
Are to the jealous confirmations ſtrong
As proofs of holy writ.

But on the principles of juſtice and candour no preſumption of guilt can be admited without proper evidence: however, in addition to the common, legal, and equitable preſumption of innocence, it may be obſerved that upon the approach of the late open war commiſſioners from the colonies being aſſembled at *Albany*, to concert proper meaſures for their beſt defence, a plan of a propoſed union of the ſeveral colonies of *Maſſachuſetts Bay*, *New Hampſhire*, *Connecticut*, *Rhode-Iſland*, *New York*, *New-Jerſeys*, *Penſylvania*, *Maryland*, *Virginia*, *North Carolina* and *South Carolina*, was formed, and prepared by Mr. *Hutchinſon*, ſince governour of *Maſſachuſetts Bay*, appointed on behalf of that province, and Dr. *Franklin* appointed for *Penſylvania*, whereby, under the authority to be granted by act of parliament, one general government was propoſed to be formed in *America*, including all thoſe colonies, conſiſting of a preſident, appointed and ſupported by the crown, and a grand council to be choſen every three years by the repreſentatives of the people in their aſſemblies in the ſeveral colonies, with power to hold or direct all *Indian* treaties reſpecting the general intereſt of the colonies; to make peace or declare war with *Indian* nations; to make laws for regulating all *Indian* trade, with other powers reſpecting them; to make temporary laws for new ſettlements; to raiſe and pay ſoldiers, and build forts for the defence of any of the colonies, and equip veſſels of force to guard the coaſts and protect the trade on the ocean, lakes, or great rivers, with power for theſe purpoſes to make laws, and lay and levy general duties, impoſts, or taxes, appearing to them moſt equal and juſt; to appoint one general treaſurer, and a particular treaſurer in each government, with directions for the diſpoſal of the money collected, their laws to conform as near as might be to the laws of *England*, and to be tranſmited to the king in council for approbation or diſallowance; with power to appoint civil and military officers, under different regulations, with various other proviſions, regulations and limitations. This plan of a general and perpetual government being drawn up in *July* 1754, according to the authors information, was at firſt diſliked by the other commiſſioners; but on debate and conſideration approved; nevertheleſs, when this plan of union was laid before the ſeveral general aſſemblies

blies of the colonies, it was rejected by all, who preferred their continuance under their reſpective conſtitutions. In the two houſes of the *Maſſachuſetts* aſſembly it was almoſt unanimouſly diſapproved, altho' they had ſuffer'd ſo much from the weight of the preceding war falling chiefly upon that province.——This election of the colonies to continue in the enjoyment of their ſeveral conſtitutions was much approved by the late kings miniſters.

The cordial union of the kingdom and the colonies at the cloſe of the late war ſurely deſerved great care to preſerve it for their mutual welfare; but our miniſters, inſtead of continuing the colonies in the enjoyment of thoſe public rights which had ſo far advanced the welfare of both, diviſed and introduced a revenue ſyſtem, grievous to the colonies, and prejudicial to the commercial intereſt of the kingdom, for which reaſons it was in its principal part reverſed; whereupon public quiet enſued; nevertheleſs it was afterwards more ſtrangely revived, with new grievances to the colonies reſpecting eſſential parts of their government; and extremes, often dangerous in all forms of government, but altogether unſuitable to the nature of mild and equal government, proper to free commercial ſtates, ever producing extremes; and the extremes of inſtitution in this caſe being accompanied with extremes in execution, a principal part whereof, pregnant with great diſcord, miſchief and danger, enſued upon a treſpaſs commited by ſeveral of the kings officers, this new mode of government, by its various effects, hath brought the empire into a ſtate of invitation of foreign war, to commence ſo ſoon as the diſtreſs cauſed by the continuance of the preſent unhappy diviſion ſhall farther excite its proſecution; whereas if our miniſters had favour'd, or even ſuffered, the continuance of this beneficial union of the kingdom and the colonies, without diſturbing it by their innovations, it would queſtionleſs, as it had in times paſt, have cauſed the daily encreaſe of commerce, wealth and naval ſtrength, with the dignity and ſecurity of the empire, whoſe enemies may be excited to arm, by conſidering that a houſe divided againſt itſelf cannot ſtand againſt their united forces, well prepared to maintain their competition for naval empire.

In farther illuſtration of the benefits accruing to the kingdom from the colonies, it may be obſerved that the free trade which they enjoyed a conſiderable time in their imports and exports being by various reſtrictions, made at different times, chiefly confined to this kingdom,

their

their trade with it was ſo far gradually advanced, that in the proceedings to obtain the repeal of the ſtamp-act, it appeared that the colonies owed to the merchants in our principal ports 4600000 l. the ſums due to the merchants in the leſſer ports being computed to amount to 400000 l. and upwards; and an intelligent merchant concern'd in geting the proofs of what was then due to the principal ports, and who not long ſince quited the *American* trade, lately informed me that the debts of the colonies were now greater, and that our annual exports to them amount in value to a ſum between 2700000 and 3000000 l. their various products of great value, enumerated in our laws, fit for our uſe, and exports to other countries, thereby forming numerous connections with other trades, being imported here, the benefits of their circuitous trade with other nations likewiſe centering here.

After ſeting forth the ſeveral preceding benefits received from our colonies, now ſo far embarraſſed and endanger'd various ways by the ſyſtem of revenue, let us conſider what benefits would have ariſen from that if not oppoſed. Upon conſidering it in all its relations, it hath ever appear'd to me that inſtead of proving beneficial it would have been ſo detrimental to this kingdom, that for every ſhilling raiſed by taxation it would have loſt ten, or more in its commerce, by daily drawing out of trade the money much wanted to carry it on, wherein there hath been ſo great deficience for a long time paſt in the colonies, cauſed by the balance being againſt them, that many of them have had recourſe to paper bills of credit to paſs in ſmall as well as large payments. We are moreover to add to the ſeveral important public benefits attendant on the continuance of public union, the cordial diſpoſition and readineſs of the colonies in future wars, ariſing from the changes and revolutions incident to all empires, to raiſe and unite their forces with our own, in order to advance the kings honour and ſervice; wherefore, after collecting and placing all the preceding benefits of union in one ſcale, the revenue ſyſtem, I conceive, hath provided nothing for us to put into the other but diſſention, miſchief, and danger; whereas, in my poor opinion, no plainer point of *Britiſh* policy can be preſented to the human mind than to keep the kingdom and the colonies well united.

Concordiâ res parvæ creſcunt, diſcordiâ maxuma dilabuntur.

The

The celebrated *Gozliſki*, ſenator and chancellor of *Poland*, ſaith "equality or equity is one of the firſt-rate vertues, that contributes "to the preſervation of a government, and is a conſtant attendant "upon, aſſiſtant to, and follower of juſtice, from whoſe dictates and "directions ſhe never varies the leaſt point whatſoever." Here we have ſolid grounds of permanent union; and if our late policy had conform'd to the free ſpirit of the nation, and its conſtitution; to the free ſpirit of the inſtitution and rights of our brethren in *America*, our aſſociates in this conſtitution; to the natural, inherent, irreverſible right of defence, the guard of all others, whence we might have received the beſt information; to the principle of univerſal juſtice, incapable of human reſciſſion; to the free ſpirit of commerce, in its nature dependant on voluntary purchaſes, ever flying from force, and leaving the countries where unkindly uſed in a much worſe condition than ſhe found them; and to the moſt noble maxims and examples of governing a free people, we might have continued in tranquility, and the daily encreaſe of naval ſtrength, and thereby have deter'd the enterprizes of our competitors for naval empire, who doubtleſs rejoice at our advances towards a civil war with the colonies, which heaven avert! from which, inſtead of receiving the leaſt good, I am unable to foreſee any thing but difficulty, diſtreſs, impoveriſhment and danger, numerous parts of our commercial and fiſcal ſupplies fail, innumerable manufacturers and merchants ſuffer; and, in ſhort, great part of the foundations of our naval empire ſhaken, and war in effect made upon the commerce of the kingdom. *Auguſtus* ſaid that battle or war was never to be undertaken, unleſs there appear'd greater hope of emolument than fear of loſs. A double dubloon is not to be ventured againſt a ſingle penny; whereas by a war upon our colonies we venture the ſafety of our all againſt nothing at all; the utmoſt ſucceſs which the warmeſt advocate for this war may expect wou'd neither encline the coloniſts to buy our manufactures, nor to fight our battles. We have already driven them into the uſe of their own manufactures, and are now in effect making ſumptuary laws for their benefit. Before we deviſed our adverſe meaſures we had from them all we deſired, and from paſt experience aſſurance that we might have what we could in reaſon deſire; and I am fully perſuaded may have it again, in caſe we ſhall now obſerve the indiſpenſable divine precept obligatory upon all men; To do as we would

be done unto. *Humanum eſt errare*; and *Comines* ſaith "it is not to "be thought there is any prince ſo wiſe but he muſt ſometimes err, "and if he lives long often; and ſo it will be found perpetually, if "one may be allowed to ſpeak the truth. The greateſt ſenates, and "the greateſt governments in the world have erred, and do and will "err, as is known by experience"; and when their errors become viſible reaſon requires their reformation of them.

A late intelligent *French* author, who, from perſonal motives, choſe to publiſh at *Leyden* his "Remarks on the advantages and diſadvan-"tages of *France* and *Great Britain* with reſpect to commerce," and other ſubjects, under the diſguiſe of a tranſlation, when ſpeaking of the *Britiſh* parliament, and the ſubject matters of their conſideration, with their mode of proceeding, ſaith, "In a free aſſembly entitled to "decide on ſuch important objects, talents, merit, probity, have a "fair ſtage on which to diſplay themſelves in the fulleſt light. Emu-"lation, patriotiſm, will raiſe and form great men in all kinds, "give them reputation, and reproduce new ſubjects every ſeven "years. It is eaſy to conceive, to feel the advantage of ſuch a go-"vernment over the adminiſtration of one man for all the parts, or for "one part alone. Yet the judgments even of a nation may not be "exempt from error; but it will be eaſier to reform that error than the "error of a ſingle perſon, becauſe a nation has neither the intereſt, "nor the falſe pride of defending its errors: beſides a ſingle man is "enough to open the eyes of a whole nation, and any one of thoſe "ſeven hundred members has a chance to be that man."

Louis quatorze, I preſume, had a ſufficient portion of the principle of high value; yet Monſ. *Colbert*, his great miniſter, ſpeaking to him of the love which a prince ought to have for his ſubjects, and of taxes*; after obſerving that a perfect harmony ought to ſubſiſt between a prince and his ſubjects, and cenſureing the exceſſive avarice of his *farmers*, he likewiſe cenſures the conduct of his *council*, as follows. "The care they have to pleaſe your majeſty makes them, as ſoon as a "thing ſeems to be for your intereſt, not much to examine that of "your people. I have ſeen them at ſome junctures make blind com-"pliances, and which might be called criminal, becauſe it is to violate "the juſtice of which they ought to be the defendants. Your majeſty

*Political Teſtament, Chap. 9th.

knows

" knows that I have oppoſed myſelf to them very often; and that as
" much firmneſs as I have for the things which I think are juſt, I am
" as much grieved to aſſent to the eſtabliſhment of thoſe which are
" not ſo. Let your majeſty call to mind what paſs'd at the time that
" the affair of exceſs in drinking was before the *council*-board. I op-
" poſed it with all my power; and if the thing had but depended
" upon me it had never been done. I knew really the injuſtice of it,
" altho' they [the *farmers*] had endeavoured to give it all the colours
" one could poſſibly imagine: and ſo it made ſuch diſturbance in the
" conſequence that your majeſty thought it convenient to revoke that
" new tax."

Every poſitive law, with the reaſons of making it, ſubſiſts in the mind of the legiſlators before written and enacted, and if their conceptions are erroneous enactment cannot change their nature, and when the preparatory proceedings ſuitable to the proper method of making laws are obſerved, " the matter of laws meerly human being any thing
" which reaſon doth but probably teach to be fit and convenient," this probability is to ſubmit to the certainty of experience: but that *" queſtion reſpecting the right of others can be duly determined without being duly conſider'd, and* that *it cannot be duly conſidered without hearing the parties concerned.* is an axiom which appears to the author as certain as any in *Euclid*, differing only herein, that this affects the heart as well as the head: and as no man, or order of men can judge of that which was never expoſed to their judgment, when the important queſtion *de ſtatu hominum* reſiant in a far diſtant country, wherein all their invaluable rights are involved, comes under conſideration, the excluſion of their defence tends directly to the introduction of other numerous and grievous errors and hardſhips; and in the preſent caſe miſrepreſentation, partial conſideration, and *ex parte* declaration, preſumption, and precipitation, by their various operations and advances have, to the great concern of every good man, brought the ſtate to the brink of a dangerous precipice, *et non regredi eſt progredi*. It behoves us now, I conceive, to exerciſe a free judgment reſpecting our preſent condition, and its cauſes, to reverence the immutable laws of God, and the architectonic principles of our free government ſuited to them, to conſider our preſent proteſtant brethren in *America* as men of the ſame nation, blood, manners, religion, and civil liberties with ourſelves, and that the ſafety and welfare of the ſtate is the ſupreme law.

FINIS.